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The American
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POLITICAL SCIENCE IN THE INTERNATIONAL FIELD

PITMAN B. POTTER

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Political science, like all other branches of social science, has, in the past century, become increasingly inductive in method. Attempts to deduce conclusions regarding the details of political organization and practice by speculative thought concerning the nature of man, of liberty, of authority, of society, and so on, have now largely ceased. In their place we have efforts to collect as much data as possible concerning actual forms of state organization and governmental methods, and efforts to analyze that data and discover therein the main lines of causation and the fundamental principles of politics.

This is all a matter of common knowledge. It is, moreover, a change which most of us regard with approval. The reason for calling attention to it here, therefore, is principally to point out its effect upon the study of the international field by political scientists.

There are several consequences which flow from the placing of political science upon the basis of inductive method. The consequence of which we think most frequently is that of rendering our conclusions more certain and secure, and of reducing as much as possible the element of subjective personal judgment therein. No less important, however, is the result that political

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science must, if it be confined to the inductive method, wait upon the appearance of the facts before it can function. Inductive political science can study government only after government has made its appearance in actual life. Finally, inductive political science is concerned primarily with the description of facts, the formulation of principles of interpretation and explanation to fit those facts in retrospect, not with the declaration of rules of action to be followed in the future. It is science in its pure form, not science converted into useful art or engineering. In place of precepts of action deduced from political philosophy we have conclusions of fact and principle based on statistical political observation.

The effect in the international field has been very serious, if not quite disastrous. This development has taken place in exactly that period when the old type of political philosophy was specially needed and would even have been of some value and influence, perhaps, in guiding international affairs. Time was when political scientists and jurists interested in international relations dared to declare to the states of the world what were the just causes for war, how an ambassador should be treated, and similar rules of action. Such teaching was prevalent in the pre-revolutionary period. There is no way of measuring the influence which the teachings of Grotius and Vattel had upon seventeenth and eighteenth century international practice, of course, but we may safely conclude that they had some influence on the interstate life of their day. During the nineteenth century, however, political and legal thought upon international matters became more and more empirical and inductive and practically refused to attempt to guide international practice in any given direction. "Whatever is, is right" became the fundamental basis of international law and diplomacy,—or, rather, "whatever is, is,"—with no attention given to questions of ethical value.

It is not, however, this angle of the situation that most deserves attention, great as is the responsibility of political scientists and political philosophers for the bankruptcy of international political morality before 1914. The aspect of the situation which deserves most attention is found in the fact that the increasing

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restriction of political thought to the results of immediate observation of actually existent materials discouraged any study of the problem of international organization. We did not feel called on to study what did not appear to exist. The result was that such a system could not, in turn, be easily constructed when it was needed, in default of plans which might most logically have been expected to be forthcoming particularly from political scientists. The world was left by those supposedly versed in such matters without adequate political forms and methods of action for the regulation of international life. The result, in the years 1914–1918, and even in 1922, has been suffering and death for millions of human beings, wasting and destruction of billions of dollars of property, and the present grievous sickness in the world society.

It is possible that some other student of the question has suggested that the political scientists were responsible for the war. The historians and the economists have been blamed for not sufficiently warning the world of the danger, as we all know. Even though the historians and economists spoke their warning, however, they were not the ones who could suggest a remedy, a plan of constructive action. We should have been ready with that and we were not ready. And it may be high time that our attention was called to the fact that we did fail to provide any plan of world government acceptable to the nations, and to the fact that it was the lack of some such system for regulating international affairs that allowed chaos to come on in 1914. The supreme problem of political science in our day has been, and still is, that of international organization. And we have either neglected it entirely or attacked it fitfully and indifferently after it was too late. Could any situation be simpler—or more discreditable?

It may be argued, of course, that plans for general international organization actually were devised by political scientists at one time or another in the past. It may be contended that diplomacy, treaty-negotiation, arbitration, and international administration have been studied by many political scientists from 1815 to the present. It will be found, however, upon investigation, that

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the plans for general international organization which appeared prior to 1914 were devised chiefly by the advocates of peace and not by persons trained in formal political science; it was only after the collapse of 1914 that professional political scientists began to turn their attention to this problem. It will also be found that such attention as was given to the various special forms of international organization was given after the fact, as to things which could not longer be ignored—not before, by way of helpful suggestion. The development of international diplomacy, arbitration, and administration, in their formative years prior to the Hague Conferences, was a work in which formal political science played almost no part. And to the most vital and dynamic of the special forms of international organization, namely, international conference, we have given still less attention; there does not exist, in any language, a study of the international conference as a distinct organ of international government, in spite of the wealth of material available for such a study.

It may also be said that the explanation for this attitude is not far to seek. Political scientists, it may be said, were eager to attack both the special and the general problems of international organization but were prevented from doing so by the secrecy in which international affairs were shrouded, and by the knowledge that any plans offered for more extensive international organization would be rejected. It may be objected that to ask for plans "acceptable to the nations" is in itself to ask the impossible.

To these contentions there are several replies.

In the first place political scientists were not eager to study these problems. They were indifferent to them, as is shown by the slight amount of attention given to even those aspects of international organization which were open for investigation.

In the second place, the secrecy which once enveloped, and still to a certain extent envelopes, the processes of diplomacy is possible largely because students of government have either approved such a procedure, thereby assuming the ridiculous position that certain vital political processes must in their

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entirety forever remain a *terra incognita* to political science; or because they have simply failed to make such a careful study of the problems as would reveal the lack of necessity for the amount of secrecy actually practiced. In point of fact, no successful attempts have been made by political scientists to this day to analyze and dispose—one way or the other—of the urgent problem of secret diplomacy.

Finally, is acceptability not a fair requirement to make for any proposed plan of international organization? We are inclined, of course, to say that we could give the world an adequate scheme of international organization at once—if only the world of nations would take it. But one essential quality of any adequate scheme of international organization is its ability to take care of all conflicting national interests involved. And that means its acceptability to the interested national states. Unless men are to be regarded by political science as utterly incompetent, and the principle of government by consent entirely abandoned, our plans must—both practically and logically—be acceptable to those for whom they are made.

And when the plans of international organization brought forward in the past have been rejected, what has been the chief cause, stated in formal terms? Economic interest, psychological reactions, emotions, and prejudices, yes—but fused into, and shielded by, a doctrine of state sovereignty which political scientists invented, developed to extreme proportions, set loose in the world in a day when we were leaders of public thought, and left by our abdication of the task of leadership in these later days unsupported by any complementary doctrine of international solidarity. We taught an extreme doctrine hostile to international organization to begin with, we remained hostile or at least indifferent to the latter movement throughout its formative years, we did not provide any adequate or satisfactory plans for its development, and, when roused slightly by the catastrophic results of our action and inaction combined, we turned only fitfully and temporarily to the task, reverting now to indifference again or to hostility.

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Some concrete illustrations of this may be drawn from the history of the curricula of institutions of higher education in this country. Students of the history of legal education are usually surprised to learn that English law was not made an object of study and teaching in English universities until 1758. The same surprise should be felt at the neglect of the political science of the international field by educational institutions in this country in the past.

If we turn to the history of the curricula at Harvard, Columbia, and Wisconsin, for example, we shall discover certain interesting facts. At all three institutions instruction in this field in academic departments began only after the middle of the nineteenth century, although the first two institutions had existed for decades and even centuries before that time. And in these same institutions the study of this field began not so much in the middle of the century as in its last quarter.

In all three institutions instruction in the international field of political science began in international law. This subject was first taught at Wisconsin by President Lathrop in 1852 (the first year of collegiate instruction), at Harvard by Professor Torrey in 1875, at Columbia in 1880. At all other institutions where it is now taught in academic departments it was, so far as can be found, begun at dates later than these. The "Law of Nations" was included in the subject of political philosophy at Yale in 1850, and later was taught by President Woolsey. Courses in international law may have been given in a few schools of law before these dates, but this would not, even if true, affect the question in discussion here.

When we reflect on the facts just stated the early beginning at Wisconsin is notable, perhaps, but more notable is the fact that academic study of the law of nations was generally begun in our colleges and universities only in the *fin de siècle* of the 1890's, the closing years of typical international relations.

By 1910 there were some one hundred and fifty institutions giving academic instruction in international law. Waiving all questions regarding the amount and quality of work done in the subject in most of these institutions, this number seems

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large. The fact is that "International Law" included in former times, and still includes in many places, much history, diplomacy, and political philosophy or ethics. International political life began—as all political life begins—on the plane of customary and conventional law. Only recently have international judicial, executive, and legislative organs, and international constitutions and statutes appeared in any numbers. Such anticipations of international government were and still are studied to some extent under the general title "International Law."

In all three of the institutions named, likewise, American diplomacy was next to appear. This subject began to be taught at Columbia in 1885, at Harvard by Professor Hart in 1897, and at Wisconsin by Professor Fish in 1900. For the most part the Spanish-American war was over before our universities began to give specific instruction in American foreign relations. By 1910 some forty institutions offered courses in the subject.

The rest is silence—or only a fitful muttering. A course in international politics was established at Wisconsin by Professor Reinsch in 1899, and world politics began to be studied at Columbia in 1910. The subject was taught in nine other institutions by that time. Courses on the American foreign service were to be found in that year in three institutions, not including Harvard or Columbia, and often in combination with other subject matter.

The subject of international organization, the general study of international political and legal institutions and practices, the counterpart of international law and in some ways its superior, began to appear in our institutions of higher education only after this time. In 1910 six institutions gave courses in subjects akin to, or part of the field of international organization, including a course on international arbitration and conciliation at Leland Stanford. In 1913 a course covering all the essential phases of the subject was established by Professor Reinsch at Wisconsin. But by 1920 there were given in the whole country only four courses on international organization proper—at Wisconsin, Minnesota, Columbia, and the College

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of the Pacific—apart from several courses on various aspects of the subject in other places.

If any comment were to be ventured upon this record it would be a repetition of what was said at the beginning of this paper. It must seem incredible to anyone who fairly appreciates the importance and urgency of the problems of international organization that so little attention is given to it in our formal political study. The indirect treatment of the subject in courses in international law is, of necessity, inadequate to the needs of the case. The approach to the international problem there is different, even antagonistic, just as the outlook of the lawyer is so often antagonistic to that of the political scientist on questions of national government. The long and the short of it is that we have not waked up to our task in this direction. It may be said that the activity in question is new and that we must learn a subject before we can teach it. We must learn before we can teach—granted, but we must study before we can learn, and we are not even doing that. And in reality the activities in question are not new; various forms of international organization have been in existence for centuries, and we have simply overlooked them. Even if the actual practice of international government were new—or even if it had not yet appeared—would it not be the duty of political scientists to lead the way in that direction, by pointing out the need for international organization to remedy the existing international anarchy by the adaptation of known political practices to the international sphere? And the principles involved are largely those involved in the problem of interstate federation in general, a problem thousands of years old.

It may be asked whether all political scientists are to abandon their special studies and turn to this work just because of the danger of a world catastrophe. Perhaps the emergency would justify even that conscription of attention and scientific service. The results of the wholesale volunteering of political scientists for service in this connection in 1914–1919 are not very encouraging, however; experts in municipal government or legislation cannot work upon the problem of international reor-

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ganization with any great success. What is wanted is the training of greater numbers of students and teachers in this field now and increasingly as we go along, and more general attention and study of this problem by all of us in addition to our special work. More students are, it is good to know, actually turning to this field for their major work. The critical period of constitutional construction in the international sphere is likely to be over, however, before we can produce substantial results. We missed our opportunity in the years before 1914. All we can do is to attempt to repay the world for our indifference and neglect by increased efforts now. Let us turn, therefore, to an analysis of the field before us.

The political science of the international field may be divided into two major parts, namely, international law and international government, the latter called more frequently international organization.

International law, the oldest branch of study in the international field, may be divided into the law governing relations among private individuals, or "Private International Law," and the law governing relations among states, or "Public International Law." Into the discussions which have arisen concerning the logical justification for the former branch of law and into the detailed differences separating the two we cannot go here. It ought to be said, however, that much of that which is considered under the former title—such as the principles regarding the jurisdiction of nations over persons, their acts, and their private rights, and the respect which nations pay to the legal acts and decisions of one another—might reasonably be included in public international law. Much work needs to be done in the next few years in defining the relative scope of these branches of study in reorganizing the subject matter of public international law to include much now included in private international law, and to eliminate much history, diplomacy, and ethics still included in the former.

These two branches of law touch upon the edges of many other branches of political science beyond the international field. Private international law makes contact with private civil law and

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Anglo-American law, as well as with all other systems of private law in the world. As such it is of some interest to the professional lawyer and law student. Public international law interlocks with national public law, constitutional, statutory, and customary, and thus with national government in general. In its formation it derives from diplomatic relations and history, economic as well as political. Both public and private international law relate to general political and legal theory and philosophy, and to general jurisprudence.

The most significant marginal relationship to be noted here is that between public international law and the other major division of our field, international organization. In one sense the former is a logical subdivision of the latter, as private national law is a subdivision of the political science of national life. But it is a subdivision of such practical importance and historical distinction as still to be studied in its own name, and on a par with its logical superior. When this is done we find that many rules of public international law—such as the rule that an arbitral award may not be appealed to any other tribunal—are intimately related to the structure of international governmental institutions and their procedure and functions. Such rules do not define the rights of states apart from international government (as do the rules regarding the acquisition of territory); they are rules of international constitutional organization and practice. If they were removed from public international law as now formulated, a serious gap would be made, a gap which might, however, be filled by the rules to be brought up from private international law.

On the other hand, international organization is broader than this. There are many institutions and practices not so well established, not so generally accepted, as to be regarded as recognized in the international legal system, which yet deserve notice and description and analysis as they stand. Just as American government is broader than those provisions of American constitutional law relating to it, so international organization is broader than those parts of public international law which deal with international government.

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International organization itself, as a field of study, may be divided into the study of international institutions and international practices. The former includes a study of both the structure and the functions of international courts, commissions, conferences, and federations. The latter may be referred to as diplomacy, and merges into international politics and international historical life in general. The whole makes contact with national government and politics, federalism, and general political theory and philosophy.

No words are needed to emphasize the range, the richness, nor, on the other hand, the solidity of the material for study here presented. We study the municipal field, the field of state or provincial or colonial government, national government; why not study world government, in so far as it exists? We recommend the further development of state and national government and make plans therefor; why not do the same for the existing system of international government? Why are we not the leaders of thought in the greatest political problem in history, a problem peculiarly ours, the problem of international governmental reorganization and practice?

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INTERNATIONAL POLITICS AND HISTORY

HENRY R. SPENCER

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Our present task is one of definition. We are students of political science in its international phase, and we use history as a means. We operate in a marginal area that overlaps two fields, government as that term is usually understood, and the history of international affairs. How shall we bound this marginal area, what are its relations to those other two, more familiar conceptions?

We are forced to this study by the World War. Modern history has had an immemse expansion for the reason that a tremendous political event has taken place and the world must know why it happened, the causes as well as the occasions and events. A voluminous literature is appearing on the doings and motives of Great Powers, on the rise of nationalities and their crude strivings, on the remapping of state boundaries, and the development of spheres of economic influence. We welcome, for instance, Mr. Gibbons' recent book on *World Politics*, a clear and useful summary of the recent history of certain political entities called world powers and their policies. It is the story as he calls it of "the struggle of European nations for world power." The struggle is there. More power to him in his description of the contestants and the contest. But we view all this as only preparatory for our task.

To put it in a word, the special object of our study is the problem of governmental organization on a world scale. In the relations of humankind we study the movements of ideas and the evolution of institutions that shall signify order in place of anarchy. This order may come in the shape of (1) a unified, cosmopolitan, H. G. Wellsian structure,—after milleniums.

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There may continue (2) the well-known multiplicity of isolated national states, which usually observe a sort of law in their relations, but now and then find their disputes too much for their diplomacy and lapse into the barbarism of war. Or it may be (3) a federal combination of unity and multiplicity which we call internationalism. This last is a condition infinitely difficult and that calls for intricate contrivance, but it appeals to us as offering a combination of realism and idealism, an opportunity for feasible progress toward a constitution, while maintaining civilization in stable equilibrium.

The study of this problem is of extreme importance for democracy. Self-rule, as we Americans have good cause to know, is difficult enough to achieve even on the petty local scale, where the citizens have a reasonable degree of familiarity with ends and means. How much more difficult must it not become with increasing remoteness of affairs from common knowledge and interest. Radicals in England used to talk of the impossibility of preserving and developing freedom at home when the state's energies are bestowed on foreign problems. Sembat the Socialist rather enigmatically told the French that if they would live in a world of wars, then a king was indispensable to their safety. In our newspaper age the disease of demagogy is endemic, especially deadly to democracy in the field of foreign affairs, where accurate knowledge is rare, and the mass are easily carried away by catch phrases, shibboleths, slogans.

Yet national self-government in passable degree has arrived, and so also there will come the realization of international self-government, else democracy is only half real. The public consciousness, once confined to the vicinity of the town pump, has progressively advanced to the comprehension of larger affairs. Now the same irresistible forces of steam, electricity, world commerce in goods and in ideas, have broken down even the national barriers, and the life we lead has a still wider horizon. Hence the beginning of a world consciousness, rudimentary as yet, but demanding institutions for its safe realization. Bryce convinced us Americans that national public opinion tends

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actually to control our governmental operations. So the hopeful reconstruction literature of 1917-18 suggested and stimulated a super-national public opinion, destined when fitly organized to the high function of mastery in world affairs. As in 1848, so in 1917 communism made an appeal to a world proletariat to shake off its chains. Possibly these appeals and failures open the way to a world public opinion which is not merely proletarian but democratic,—to realize itself, with partial respect to national boundaries, but with partial respect as well to international and super-national interests.

This hoped-for world democracy makes unwonted demands upon the "public spirit" of those who profess its service; their public is not near and familiar, but vague and remote. A Goethe or a Kant might be a real citizen of the world, ruling in the clouds; but let their Vaterland begin playing the rôle of an earthly state, and even ninety-three intellectuals ignore the greater public and yield to the narrower, warmer, more intimate loyalty called patriotism. (And who of us shall cast the first stone?) Patriotism being a sentiment has the advantage, in controlling conduct, over an internationality that is mere reason. With growing rational appreciation of economic and spiritual world interests, internationality itself may become suffused with a mystic aura of world-brotherhood, as sung by a Schiller-Beethoven Ninth Symphony. That day is not yet. The higher loyalty is only now beginning to emerge, an international loyalty, wherein one judges Lord Robert Cecil, for example, as a "good world citizen," perhaps as good a European as he is Englishman. So perhaps in some of his moods was Gladstone. Not so the vast bulk of statesmen when they weigh advantages that are national and local against values that are international and European.

Confronting such a situation we, if we call ourselves scientists, soberly feel a high obligation. Ours is a task calling for infinite patience. It is a work of decades, even centuries. Yet we have inspiring examples. In international law the German-American Lieber performs for President Lincoln a work of codification destined in the course of thirty years to become

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international, and his constructive work is continued by the institutes and associations of international law, privately but coöperatively working as it were in the dark, advancing inch by inch. In the field of international administration likewise there is a noble army of little-known workers drafting statute and treaty clauses, devising and operating administrative agencies, learning "to labor and to wait."

Not only patience but objectivity is demanded by science. We must be "above the battle." How much of our international political literature consists of national, not to say partisan views. Witness the study of plebiscites. The scientific contributions of a Frenchman with Alsace in mind, of a German or a Pole with Silesia or Vilna, of a Chilean with Tacna-Arica, are enriched by intimate realization of the conditions under which the device may be worked, but are subject to heavy national discounts. Propaganda, effort for good causes, the taking of tactical positions for effectuating just results in men's minds, is not science, but it is politics, and we have only the beginnings of a criticism that shall enable us to judge credentials, to test evidence.

Science must work *a posteriori*. How pathetically much of the constructive work of today is justly condemned as "mere ideals," because it is dealing with an "international man" and an "international mind" that are *a priori* conceptions, abstractions as unreal as the "economic man" of a generation ago. The separate study of the statics and dynamics of the problem has hardly begun. Qualitative analysis there is in plenty, both of economic conditions and of human motive. The hard grind of quantitative analysis is still to do. Without it our judgment is color-blind, one-dimensional, without perspective.

Unscientific, furthermore, is the bitterness of scornful intolerance with which various groups view each other, the "hard-boiled" and the "sap-heads." Generous open-mindedness is needed, an affirmative, constructive, heartening faith like the scientist's faith in the uniformity of nature, and in the breadth as well as the goodness of truth. Examples of our shortcoming are the contempt, whether amused or outraged, of the man in the street for the "idealistic mouthings" he thinks he hears from Geneva, and on

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the other hand the pessimistic view of the so-called radical or liberal press, regarding France today as wickedly imperialistic. We in international political science have to resist the temptation to premature formation of categories. We must seek, by keeping the thing fluid in our minds, still in solution, to prepare for more useful and accurate groupings. Only an open-minded scientific attitude can keep on bathing these ideas with impartiality, keep them from becoming fixed around centers of crystallization, which will acquire emotional values of patriotic sympathy or antipathy, and thus become impervious to scientific analysis.

There is an inviting prospect of problems of governmental science to be solved, of which the raw materials have barely arrived in our laboratory to be worked up. Though this is not the occasion for even beginning the analysis, a few examples may be mentioned. Is the plebiscite workable as a means of ascertaining a national will in international disputes? Is the economic boycott or other penalty available against disorderly states? How can treaty making and diplomacy be kept under democratic control? What are the political relations between economically advanced peoples and those not so advanced, especially where the latter are in possession of material resources needed by the world and capable of being exploited only by the advanced? Is migration of labor or capital susceptible of control in behalf of super-national interests? By what devices shall we secure an Open Door in colonies, or even in mandates? What are the uses and limits of Home Rule, as a device for reconciling national self-determination with the international self-determination of a larger, complex society like the British Commonwealth? What have been the favoring conditions and what the obstacles to growth of international administration, as in postal, railway, and monetary unions? Where has the unanimity rule been safely dispensed with? What are the possibilities of concerted international action on problems of joint interest, as in the so-called neutralization of straits, rivers and canals, in the Ottoman debt, in the Chinese consortium? What can Egypt, Tangier, the Lebanon, the Philippines tell us as to the possibilities of world-trusteeship?

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One delicate scientific problem of this sort may be given special mention because of the extraordinary effect it has had upon present day international life, namely, the doctrine of nationalities and their alleged right to be states and to determine the boundaries of states. Not to go into the familiar elements of nationality, such as race and language, it may be admitted that a factor growing in significance is the public consciousness of a community. A nationality exists when the people described feel themselves to be a nationality, even without racial or lingual unity, as in Switzerland and Belgium. But what creates that self-consciousness? Often one of the weightiest of these psychic factors is the recollection of historic glories or disasters, of heroes authentic or legendary. Who shall measure the significance of Lincoln to Americans, of Huss to the Czechs, of Tell to the Swiss, of Kossovo to the Serbs, of Byzantium to the Greeks? But this is all in the realm of history, and the international political scientist must be qualified with historical-mindedness, to interpret this material, for setting forth present conditions and tendencies. He must have a realization of the flux of things, their becoming and their ceasing to be, their evolutionary relations. He requires the steadying force of history that he may keep his wagon hitched to the star of a world ideal, and yet progress steadily and safely on the ground of realities, national and international.

Even the recent admirable work of P. B. Potter on *International Organization*, devoted among other things to establishing, like Savigny of old, the *Ruf unserer Zeit* for a study of this subject of international organization, properly gives some 25 per cent of its pages to what can only be called history. The times do summon us to an individualized view of international political science, but not to a view divorced from history. It is not a divorce that justice requires, but rather a clear recognition of separate individual personalities in partnership, each with its own rights and duties.

History can be specifically useful to international political science in several species; for example, (1) biography of statesmen, men of the type of Metternich and Palmerston, whose work was mainly in behalf of their own states, or others who were working

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in some considerable measure in behalf of international interests, like Cobden, Hay, Wilson; (2) the evolution of world-government ideas, achieved or only planned, such as isolationism, internationalism, cosmopolitanism, hegemony, concert, leagues; then there is (3) institutional history, the development of organs of international government, such as diplomatic representation, occasional conferences, a permanent secretariat, arbitration and courts, the commission of inquiry, the protectorate, the mandate,—institutions which have their rise, development, and sometimes decay.

Evolution of world organization takes place partly by very gradual variation and adaptation, unconscious, blind "natural selection" of the fittest political form to survive. This is a process of eons or at least periods of time beyond the grasp of creatures of threescore years and ten. On the other hand we have biological precedent for hoping something enduring from "discontinuous mutation," conscious effort under special stress to contrive particular results. The balance of power doctrine crude though it might be, came from a conscious effort of world society under the lead of an Orange or a Pitt to check the ambition of a Louis XIV or a Napoleon. So also with the ideal of concert. Metternich set it up to maintain the status quo and repress subversive movements; Bismarck used it to secure peace in Europe by cancelling out the rival ambition of Great Powers; Sir Edward Grey strove by its means to limit the Balkan wars by the action of a supervising, presiding council of Europe. So in the third place might be mentioned the effort toward federalism during the present decade, the "war to end war," the ideas and institutions that we associate with Moscow, with Paris, and with Geneva.

Pathetically crude may have been much of this activity associated with the names Balance of Power, Concert of Europe, and League of Nations. Nevertheless there was progress by discontinuous mutation; there was conscious effort toward improvement of international organization; there was some success in that effort; civilization advanced perceptibly. And it is history that enables us to perceive this advance, to note its direction, and

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to study the causes and processes of its successes and of its failures. With good reason did President Wilson carry with him to Paris a shipload of historians to advise him, to the scandal doubtless of European foreign offices with their expert intelligence service, professional but not academic. Yet among these amateurs there was real expertness free from the handicap of bureaucratic discipline; there was unusually valuable service rendered by historical scholarship directly to statesmanship, indirectly to international political science.

(We perhaps do not need Mr. Toynbee's warning against laying too great emphasis on the so-called "historical claims" of territory by certain nationalities, for example those of Serbia and Greece in the Balkans. The essentially unhistorical character of many such becomes clear on close historical study, another case of a little learning a dangerous thing, dangerous only because of its littleness.)

But when it comes to diplomacy democratically controlled, what a maze of difficulties we face, questions to be settled not on democracy's good intentions but on intelligence, knowledge which will be difficult enough to diffuse when it is ascertained by the wise, and which the high and mighty shall ascertain only by expert historical service. Witness the effort of a Lloyd George to imagine who or what Teschen might be, or of a Wilson with the senators to pronounce Yap with a straight face. Imagine the American people dealing with East Europe without being quite sure of the identity of Stamboul and Stambuloff and Stambulisky, or of the distinction between Jugoslavia and Czechoslovakia. No wonder our popular instinct recoils from the task of understanding such unpronounceable things, and curses them all as foreign.

But we are entering an epoch in which we must have dealings with them on some basis whether we will or no, though it were only as receivers of interest on war loans, payable in a form we do not try to imagine, goods barred out meanwhile by a tariff wall whose relation to interest-payments and to world trade we do not even suspect. This is not the time for discussing such matters. Attention is merely called to the priceless value inter-

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national political science will set upon the tale that history alone can tell of former international trade problems and their solution, or the results of leaving them unsolved, of tariff wars and customs unions, of indemnities French and Chinese and their payment, of the tribute relation and the resentment it engenders.

Take a concrete case of universal interest today. How can we even "observe" at Lausanne except as history shall disentangle and illuminate the tale of the gradual opening of the Bosphorus and Dardanelles, of the degradation giving place to civilization as populations Christian and Moslem have been set free from the Ottoman yoke, of all the other factors involved, suggested by the names Mehemet Ali, Stratford de Redcliffe, Midhat Pasha, Muravieff, the Lebanon, Crete.

Not to labor this point, which is obvious enough, let us pass to a consideration of the other side of the matter, the insufficiency of history. Much of the data and the process with which we must deal is in the present. It is no utopian dream, it is a living reality,—but it is not history. We are in the field of action, we are in the laboratory with apron on, with microscope at eye; not in the library digesting at leisure the experiment-records and documents and publishing the results as definitive conclusions.

History, with the utmost objectivity and most scrupulous fairness imaginable, is mostly written from a point of view, of time and place. Take the Eastern question for example. What made it Eastern? The fact that it was studied from the western end of Europe, advanced states dealing with a series of problems involved in a decaying Ottoman empire. Now comes Mr. Toynbee, who as spokesman of the Levant calls it the Western Question, the interfering action of western powers with their conflicting aims. Political science considers it as a problem in which there is neither east nor west, but man and society, that society exceedingly ill organized, needing a spirit of coöperation and administrative machinery fitted to the case.

History tends to emphasize tradition, what is handed down from the past. This is indispensable as the source of knowledge of the conditions under which further exploration of possibilities may take place. But tradition is passive, inert. International

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political science must play a more active rôle, must use constructive imagination. It is an obligation of civilization upon its present day possessors, as trustees for the future, that we be not content with drift, but progress toward mastery of the situation. If we fail to look beyond history into the future we are treasonable to that trust. We must continually reëxamine the conditions of world society with a view to better adapting our institutions and policy to them. The conditions do change, we cannot prevent that. If we maintain tradition unchanged it becomes constantly more unsuited to conditions. The presumption may always be in favor of tradition, but it is a rebuttable presumption. The structure must be kept organic, living, not allowed to harden into something crusty, dead, mechanical. The nautilus must be moving continually into more spacious chambers, as the seasons roll. Let private law serve as a warning here to political science, lest vested interests be allowed to establish themselves in certain traditional institutions, resisting encroachment of change, even change in the public interest.

We say glibly that steam and electricity have "revolutionized" the conditions of the world life. Yet all this has been since the day of Washington and Monroe. It may be then that to regard the Washington precept and the Monroe doctrine as fixing American foreign policy in the twentieth century is to be contenting ourselves with antiquated equipment. Very likely much of that equipment is still useful, but the presumption is that we must continually reinspect, to be sure of its adequacy under new conditions. This is the difficult but imperious task of international political science, and here history can only be of secondary assistance. Present tendencies are as important for us as past and recorded ones. Let us not fear the reproach of empiricism, we must "cut and try." Whether we call it "trial and error," or with Mr. Robinson "fumbling and success," we are in duty bound to contrive, on such information as we can obtain by scientific analysis, such plans as seem best adapted for humanity's security and progress in a world of change. This condemnation to a risky task of inquiry and contrivance may seem a disadvantage, but it is worthy human service. We will not pharisaically

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scorn history as mere antiquarianism, nor plume ourselves on being more profitably employed. We realize that in the diversity of gifts there is the same spirit. It is our job to look not so much backward as around us and definitely forward. So far as that job is concerned, history is definitely ancillary, she is a handmaiden, and must "know her place."

There is a clear analogy of the relation of history and international politics in the intra-national phenomenon of political parties. Formerly a historical consideration of the parties themselves sufficed. What was the Whig or Tory, the Republican or Democratic party, how was it made up, with what organization, what ambitions, principles or interests, what was the story of the contests between these groups? Now the political scientist interprets the tale the historian has told, in terms of the state's resulting structure and function, explains how the state gets its will expressed by the divergency and opposition of these parties, competing for acceptance, alternating in the conduct of government, both loyal to the larger whole of which they are merely serving parts. They are not viewed as ends, justifying their existence in themselves, but as means to a larger end.

So also the conduct in international affairs of any one state, even its isolated efforts and selfish ambitions, is only a part of the larger effort of a world's population to organize itself, whether competitively or coöperatively, to keep its peace, to advance its civilization. Out of the operations of these parts is compacted the life of the whole, largely anarchic hitherto for want of comprehension on the part of those warring members of that whole body to which they belong. In the present day, however, we are beginning to see this interdependence, especially in the lurid light of a world civil war, and the threat of bankruptcy with which it has challenged world civilization. This is true even in an America that sticks its head ostrich-like in the sand and thinks it enjoys its isolation, not yet aware of the peril and poverty of isolation.

To conclude in a word. We have three disciplines, international law, international political science, and history. Each can be separately conceived, with its own characteristic purpose,

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structure, and attributes; but we must not try to conceive them as having a separate existence. Like the three sides of the triangle, they depend literally upon one another. Each requires the other two to provide its ends, its limitations, its prerequisites. International law is found for the most part in history, and is more and more expressing an organization of the family of nations. History finds one very important motive and interest in the evolution both of international law and of international organization. International organization is gradually taking shape in history as a creature partly of national ambition and force, partly of law; and we look forward into the period that does not yet admit of history, to see that process come to complete fruition. As any one state develops its own constitution, so we look to see the international community of states develop law to its rightful ideal place, human wit and force moralized and legalized to secure organization for justice and peace.

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THE PROBLEM OF SOVEREIGNTY

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One of the most difficult problems of modern political science is that of sovereignty. The commonly accepted theory contains many elements that seem to be in obvious contradiction to our ideals of democracy; some of them do not fit into the present-day conception of state and government, while others are plain remnants of feudalism and autocracy. One should keep in mind, however, that it is not only a purely theoretical problem closely associated with the general idea of the state, but that it is also an eminently practical one, as it necessarily involves the political question of limitations on the state's powers. Those limitations are of equal importance internally, in the relations between state and citizen, and externally, in the domain of international law.

As often happens in cases where political questions are involved, the theory of sovereignty has two extreme wings of proponents. On the one hand there are theorists who defend an all-powerful state and make of the idea of sovereignty the emblem and symbol of the all-powerful state authority. On the other hand, there have appeared recently many writers, who believe that dangers lurk in the views of the first-mentioned school and who are loath to admit that any power, state or personal, may be unlimited; they distrust the theory of sovereignty, because of its association with unlimited power; consequently, they deny the existence of sovereignty altogether, asserting that it has no place whatever in the modern theory of the state.

During the World War there were numerous writers who identified the first group of political scientists with Germany. There was much justification for this. The Germans always glorified the idea of an all-powerful state and often confounded the

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problems of government, sovereignty, autocracy, and the like, primarily for political purposes. One might easily find, however, that such a point of view was by no means restricted to the Teuton countries. In England, for example, there was Austin; in Russia, Korkunov; in France, there appeared very recently Carré de Malberg;[1] in the United States the same theory was expounded by Burgess, and in the writings of the latter we find probably the clearest and strongest expression of that view. "Sovereignty," he says, "is the original, absolute, unlimited power over the individual subjects and over all associations of subjects."

No German writer expressed this view better. But even before the late war there were German jurists who felt that the idea of an all-powerful state was dangerous to political life, and was, moreover, in direct contradiction to historical facts. History teaches us that even in an autocracy the principle that an autocrat can do and actually does all that he pleases, without limitations or restriction, is only a form; in practice, on the contrary, he always was limited by certain forces and was obliged to leave much of the state functions to be determined by his surroundings. As time went on, those limitations became everywhere more numerous and more stringent. In the struggle of the nineteenth century against the failing autocracies, it was a great political merit of those schools of jurisprudence, that they endeavored to limit the monarchs by superposing a legal order above them (called *Rechtsordnung* by the Germans). In Germany as well as in Russia, sovereignty was no more the personal attribute of the monarch, but was henceforth attached to the idea of the impersonal state. For a certain period, during the progessing fight against autocracy, this new theory played a wholesome and important rôle. But when this fight was over and the last remnants of autocracy were swept away in many states, it seemed to some writers that there was no longer any need to retain the idea of sovereignty. At the same time, the dangers of an all-powerful state were being exaggerated out of all proportion.

[1] Strangely enough Carré de Malberg, Duguit, and other French jurists do not seem to realize at all that in this respect there exists no difference whatever between French and German writers of this school of thought. Compare for example, the arguments of Carré de Malberg, *Théorie générale de l'État*, I, 72.

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Thus there arose a new school of jurists who went to the other extreme, denying any meaning in sovereignty and endeavoring to treat it as dead or non-existent. We find among them some brilliant names: Duguit, Laski, and numerous solidarists, syndicalists, guild-socialists. Duguit, for instance, boldly declares that sovereignty and subjective rights no longer exist, stating that if they did exist, they would only be harmful. We can easily follow him, when he asserts that the state must be subject to the law, because the state is an instrument and not an end;[2] we have to introduce a slight correction, however, when he further says that the rule of law "alone is supreme." Unfortunately this does not apply to every state; the rule of law ought to be supreme, but is not yet absolutely dominant everywhere. And we can not accept at all Duguit's next argument denying the personality of the state, since this would mean the denial of the whole system of modern international law.

The teachings of Duguit were eagerly accepted by many followers. Especially did they impress the pluralists. The reason is easy to find; these teachings are prompted by the strong modern conviction that the old ideas of state, sovereignty, and government are somewhat discredited;[3] one can not deny that there seems to be considerable justification for such a critical point of view.

The main factor underlying this problem of sovereignty is the constantly growing complexity and differentiation of our social life. One can not help feeling, however, that these extreme schools are fighting a phantom and that all their darts are directed against the political elements of sovereignty, which unfortunately still dominate in some proportion and warp the legal aspect of the main problem.

The state at present is not only a commanding, but also a creative power, often managing and controlling services which in previous times were left to the individual citizen, such as railroads, mines, posts, telegraphs, shipping, and others which

[2] These views of Duguit are well summed up in the volume, translated by H. Laski, *Law in the Modern State* (1919).

[3] Compare, for example, with the work of Follett, *The Modern State*.

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are now being placed under the management of the state. As time goes on, there seems to be a constantly increasing endeavor to multiply and extend the administrative functions of the state. The most convincing picture of these processes is given in the recently translated volume of Krabbe.[4] Still, the main object of this author is to replace or superpose the idea of state sovereignty by law sovereignty. One may, however, question the validity of such a distinction. Are they not after all one and the same thing? The answer must depend on the historical or legal aspects of the problem. Historically they were identical in many cases; as long as the state created or was supposed to create the whole "legal" order, these two ideas were purposely identified by those jurists who wished to limit the powers of the monarch. In Germany and Russia many liberals fought for this theory and on the whole successfully, establishing at least in some respects a rule of law and not of the autocrat. In many countries this was the aim of the bills of right; in a great many cases this led to a real (not merely seeming) supremacy and stability of law. One may say that the history of the idea of sovereignty is at present well known and satisfactorily discussed in many treatises on political science; but that this one point concerning the rôle which the idea of sovereignty played in the nineteenth century, namely, that the ideal of the supreme authority of law originated in the fight against autocracy, is only too often forgotten. In one respect this has its effect even at the present day, in this that not all the elements of former autocracy have yet been cleared out of the theory of the state; some remnants still continue to influence the main problem.

On the other hand, there existed those happy nations, chiefly Anglo-Saxon, that never had to identify state sovereignty with law sovereignty. The English language never even knew of any special term corresponding to the continental European words *Droit, Recht, Pravo,* and for the simple reason that the state as conceived by those peoples never was the exclusive creator and unlimited controller of the social and legal forms of life.

[4] *The Modern Idea of the State* (1922).

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There may seem to exist one contradiction to such an assertion in the theories of the famous English jurist Austin, who in England and elsewhere had a great many followers. In fact, from Sir William Blackstone down to the late A. V. Dicey, the Vinerian professors of Oxford taught that the British state was personified by "the King-in-Parliament" and that the latter was absolutely supreme and sovereign, a theory embodied in the maxim "What Parliament wills is law." There can be no doubt that for more than a century this idea of the supremacy of Parliament held together and firmly cemented the growing British Empire. But even Dicey had to make the important reservation that this supremacy applied only to "legal sovereignty."

As time went on and the British Empire became increasingly unwieldy it became constantly more evident that the English Parliament was restricted and limited in its powers. As any Canadian might point out today there are a great many things that the English Parliament can not do, besides being unable to change the sexes, as in the mid-Victorian age. In one respect only does Parliament remain sovereign, namely, in creating law for England, Scotland, and Wales, and this does not apply to the domain of *Droit* or *Recht* in the continental meaning of the term.

One might cite another similar historical example, namely, the common law of the feudal state. It was O. Gierke's great contribution to point this out in his *Deutsches Genossenschaftsrecht.* He gave us the picture of the growth of certain corporations becoming independent of the king or the state (which at that time were generally identical). Over these corporations the state or the king was no longer sovereign, the power of either being, on the other hand, conspicuously limited.

It is remarkable that just before the late war there grew up unexpectedly in many other countries, such as France, as well as in Germany, a new school of thought, which came to the same conclusion that there existed in the modern state a vast domain which was extra-legal. In Germany this idea received the name of *"Freies Recht;"* in France it was represented by

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Geny and his followers, who taught that the judge in court created *un Droit*, just as much independent of law as the common law of England always was.

Thus we come to the modern question: Are we not living in a period when the sovereignty of the state is in the process of being curtailed and restricted in many new ways? Just as Maitland pointed out in his introduction to the English translation of Gierke's volumes, that the powers of the king-state were being restricted by the growing corporations because it became evident that the state could destroy, but could not create these corporations, so in our day it is being found that the all-powerful and impersonal state, as it emerged out of the revolutions of the nineteenth century, became a certain danger to the freedom of the citizen.

In other words, we may notice in the development of the modern state two parallel tendencies, neutralizing and compensating one another. On the one hand, there takes place a constant differentiation of the state's functions, which become more numerous, more complex and diversified, tending to spread the powers of the state to domains entirely new and very complicated in character. On the other hand, there takes place everywhere a decided revival of individualistic tendencies, the meaning of which can be summed up as the growing necessity of protecting the individual citizen from the great increase of these new state powers. This at least seems to be the main impulse motivating the writings of the pluralists and the many other modern critics of sovereignty. They are all fighting the centralizing tendencies of the impersonal and sovereign state of our time.

The problem of state and sovereignty depends on our conception of the sources of law and legal order. The tendency of all autocracies was to concentrate the process of creating law in the hands of the head of the state and to give him the exclusive power of command over the citizen. In the nineteenth century, when the European revolutions had upset many thrones and knocked at the doors of all autocracies, the state came out of the ordeal impersonal, much stronger than ever before, but retaining many remnants of the shattered autocratic rule, though most of them

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were carefully camouflaged by high-sounding phrases or fictitious and temporary institutions. Consequently, there crept into the theory of sovereignty many purely political elements, which remain there even at the present day.

This new situation was met most brilliantly by the German juridical school, but also by many Frenchmen and Russians. Gerber, the father of that school, first pointed out that sovereignty was not the power of the state, but its attribute (*Eigenschaft*). The best expression of this idea was given later by G. Jellinek and accepted by his numerous disciples all over the world. Sovereign power, Jellinek taught, was a power absolutely independent and supreme, "*nicht weiter ableitbare Gewalt;*" it had two phases, however,—a negative one, which was independence from any outside influences or powers, and supremacy in the internal working of the state (meaning highest in the state); and a positive phase, by which Jellinek meant absence of limitations (*rechtlich unbeschränkt*), any limitations which did exist in practice being self-imposed. This latter statement led to the well-known theory of self-limitation, on which Jellinek based his conception of international law, namely, that the will or power of the state could not be limited except by itself. The weakness of that theory and its tremendous political dangers became evident in 1914 while Germany was preparing for war.

But even Jellinek could not deny the existence of external limitations; he avoided logical contradictions by calling such limitations "socio-psychological" and by placing them outside the field of juridical investigation. The second consequence of his theory was the assertion that sovereignty, being only an attribute, was not an essential element of statehood. In other words, there might be states without the attribute of sovereignty, as for example, the so-called non-sovereign states in a federation. The idea of sovereignty is naturally and logically a superlative, hence there is no possibility of dividing it or accepting any gradations.

This led in practice simply to a displacement in the difficulty of the problem and not to its total disappearance. Jellinek encountered the difficulty in a new place, namely, in establishing

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the line of demarcation between sovereign and non-sovereign states and between the state and the other political organizations, such as the communes, the colonial dominions, and many others. Later in life Jellinek himself confessed to these difficulties. In the decades preceding the World War, European politics led to the formation of a vast number of intermediate organizations, which the same author described in a separate pamphlet as *Staatsfragmente*, that is, organizations not yet possessing full statehood. Among these were Alsace, Canada, Finland, Egypt, Croatia, and many others, ranging all the way from a simple province or colony to the full-fledged sovereign state. The history of these decades merely helps to prove the main contention concerning the constantly growing differentiation and complexity of modern political and social life and the absolute inadequacy of the pre-war teachings and definitions of state and sovereignty.

Most of these "fragments of statehood" have been swept away by the war, some of them having now reached independent statehood; but in the theory of the state there has not yet taken place a corresponding change of ideas. The social sciences, however, have progressed very much. We have come to realize, for example, that the new state has acquired a tremendous creative power, that its functions are not merely coercive, as formerly, when the main object of state-power was to enforce obedience and allegiance by compulsion and restraint, by brute force and coercion. That idea often led to the other extreme, fostering theories of resistance and the practice of revolution. In the modern state, the more diversified its functions become, the greater is the need of distinct and thorough limitations of its powers and sovereignty.

In order to solve these complicated and urgent problems, we have to postulate the absolute necessity of distinguishing the two component parts of the idea of sovereignty, namely, its legal and political aspects.

Lord Bryce first endeavored to draw this distinction by separating *de jure* from *de facto* sovereignty. As an example of the latter he takes Cromwell, Napoleon, and the Russian and German

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revolutions, and calls the *de facto* sovereignty exercised in those cases "a practical mastery." A much more satisfactory definition is given by R. N. Gilchrist,[5] who tells us that legal sovereignty means the process of creating law by a "legal law-making body," and that the latter is always definitely organized, as, for instance, the "King-in-Parliament" of Great Britain; whereas "political sovereignty" means the "sum-total of influences behind the law" and is always "vague and indeterminate,"[6] as, for example the expression of the will of the people in a modern democracy.

It is the recent enormous increase of such "influences behind the law"[7] that makes it so imperative to eliminate the political elements from the idea of sovereignty, for the reason that the constant dangers in these influences invariably threaten the ideals of democratic government. Political sovereignty must reside exclusively with and in the nation, the social body that constitutes the state. In no way can it ever be identified with any state institution, nor even with the idea of the state as a whole or as a unit; all of these are only a means and not ends in themselves.

If we keep this well in mind, we may admit that the other element or idea, that of legal sovereignty, can never more be an unlimited power; it must be strictly bound by legal limitations. If we consider sovereignty from this point of view, we see that it is no longer dangerous politically. In other words, we can keep the idea of sovereignty in our conception of the state and need not be afraid of it, so long as we attribute to it a purely legal character, which in itself implies the existence of limitations and is a negation of all-powerfulness.

Thus expressed, legal sovereignty is a necessary element of statehood; within its legal limits any state has the "full powers" to function, has its juridical personality and its legal will.

The limitations, in turn, can be classified into three groups, according to their social aims. The first group concerns the

[5] *Principles of Political Science* (1921), 113 ff.

[6] Sir Henry Maine, as Gilchrist admits, pointed this out earlier in his criticism of Austin's theory.

[7] In the days of autocracy they were aptly called "influences behind the throne."

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relations of the state to the individual citizen. In this domain the state may appear as a private person (for example, the *Fiscus*), acting as any other citizen. The latter, on his part, is guaranteed a certain amount of individual freedom, in which the state cannot interfere, nor exercise control. This is usually expressed in the bills of right. Only those countries in which constitutional liberty was firmly established by the preceding historical development, have no need of separate bills of right. This does not mean, however, that in such cases the principle of the bills of right is non-existent; on the contrary, it is usually even better and more firmly established.

The second group of limitations concerns federal states, where the limitations arise from the complicated inner structure of such organizations. This does not mean any division of sovereignty, but simply that the component states in a federation are sovereign as against the citizen in the same way, as the federal state itself is sovereign over these component states. Only in common parlance and in politics does the term sovereign apply exclusively to the federal state. Here again the political element dominates and warps the legal conception of sovereignty. Gilchrist is quite right, when he asserts that "technically it is just as correct to say that, (within its legal limitations) a municipality is sovereign." In both of these two groups of limitations the negative aspect clearly dominates. In the third group, on the contrary, it is the active and positive that prevails. This group concerns the field of international law and consists of the limitations imposed upon a state from without.

The modern ideal of international relations is well summed up by Max Huber in his assertion of the coming gradual change from *Gemeinschaft* to *Gemeinwesen*. Here, however, sovereignty is most closely associated with the idea of state-personality, which Duguit so lamely and unsuccessfully tries to deny. The development of international relations and the whole of our modern international law is built on the principle of state-personality, the states being the subjects of this law and partners in the international community.

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Much has been accomplished lately in this field even if we admit that we still are far from the establishment of any organs able to enforce international law. The recent creation of an international court is a great step in the right direction. An international police, army, or navy seem yet practically impossible. But even this fact can not be taken as a proof of the impossibility of limiting internationally the powers of a state and of further curtailing its political sovereignty. In this respect sovereignty merges into another idea, that of equality of states, participating in the international community.

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NOTES ON MUNICIPAL AFFAIRS

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The period since the publication of the last notes on municipal affairs has been an uneventful one—few charter changes of importance, small progress in meeting the complicated transit problems of New York and Chicago, no gripping election drama on a great stage. The end of the Thompson régime in Chicago was welcomed by the friends of good government throughout the country. The fact, however, that Thompson's name was not on the ballot reduced national interest in the result. Dever and Lueder were men of excellent repute, and the campaign, though vigorous enough, was without bitterness. The battle was waged on partisan lines and hopeful Democrats have seen in Dever's election a rebuke of the Harding administration. National issues, however, played only a small part in the mind of the average Chicago voter. Numerous Republicans of progressive tendencies, notably Professor Charles E. Merriam, supported Dever. Chicago council elections are now conducted on a non-partisan basis. Some real encouragement for the municipal reformer is to be found in the methods and results of the conciliar side of the campaign.

Municipal Street Railway Operation in Detroit. The most significant event in municipal affairs of 1922 and early 1923 has been the establishment of a municipal street railway system in Detroit, with the first year of municipal ownership and operation ending May 15, 1923. The results of this extensive experiment in municipal ownership are of nation-wide interest.

The acquisition of the Detroit United Railway city lines was the consummation of twenty years' struggle for municipal ownership, the people having expressed their desires at the polls upon several occasions. A provision for municipal ownership was included in the new charter which became effective in January, 1919.

In carrying out the mandate of the people, former Mayor Couzens had

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received their approval, in 1920, of a bond issue of $15,000,000, the proceeds of which were used in constructing 62 miles of tracks and the purchase of 31 miles that had been built and operated by the D. U. R. under "a day-to-day" agreement. Operation by the city of the partial system was begun February 1, 1921. The remaining D. U. R. lines (273 miles) were acquired fifteen months later for $19,850,000. The terms of the purchase contract were $2,770,000 down, 19 semi-annual payments of $500,000 each, and the balance of $7,580,000 on December 31, 1931. The initial payment was met from an additional bond issue of $4,000,000 authorized by the people in 1922, for such purpose and for the purchase of certain supplies to be acquired with the lines. By these terms, nearly one-half of the $40,000,000 system is to be paid for within ten years.

Many observations may be made upon the financial policies and results of the system during this first year, but obviously definite conclusions are not warranted after so brief a period of operation. It must be recognized that the transportation problem of a large city is a complex one, subject to a diversity of influences with respect to the nature of the investment and demands upon it. The past year in Detroit has been one of unprecedented prosperity, the statistics of employment showing a larger number of men employed than ever before, resulting in a heavy and continued demand upon the street railway, and a correspondingly high revenue yield. What might transpire during a long continued period of industrial depression is problematical, especially in view of the unusually heavy fixed charges.

Analysis of results resolves itself primarily into service, plant, and costs. Prior to the city's construction of new lines, trackage increase had not for several years kept pace with the increase in population and transportation demands of the city. Through city construction the problem was partially solved. There were 1,530 cars in operation in May, 1922, and the average monthly car mileage was 3,500,000. One year later, the city had 1,616 cars (including 175 new Peter Witt type, and 92 fewer single truck cars), and in April, 1923, the car mileage was 4,271,000. These figures afford two indications of improvement in service.

It must be borne in mind that eighteen of the twenty-seven lines in the city converge at the city hall, which results in a pronounced congestion of traffic. During the rush hours over 700 cars per hour pass the city hall, which means a continuous stream of cars and the maximum that surface transportation facilities permit. Detroit, due

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to a rapid growth in population, enjoys no rapid transit facilities, either in form of subways, elevated lines, surface line dips, or commuting service on the steam railroads. This is a phase of the transportation problem that is being investigated at the present time through the rapid transit commission, which has employed Daniel Turner, of New York City, as consultant. The solution of the perennial transportation problem in Detroit must be other than by surface lines, except possibly in the outlying districts.

Prior to May 1, 1922, the condition of the tracks, paving, and overhead equipment was poor beyond justification for even a system that stared in the face extinction through municipal acquisition, estimates placing the plant at 60 to 70 per cent of standard for operating efficiency. An extensive program of rehabilitation of the purchased lines was started, which will require several years for its completion. During the year over one million dollars from earnings were expended in this program, over one-third of the overhead wiring was replaced, the new standard monolithic type of track construction is being laid, over 200 new cars are in operation, and the equipment in general is being improved and modernized. The wage scale of the platform men was increased November 1, affording a standard wage of $5.00 per minimum day of eight hours. Because of shorter runs, however, the actual compensation has not greatly increased. In October, 1922, the average daily wage was $5.41; in April, 1923, it was $5.58.

The rate of fare has remained unchanged,—five cents, with one cent additional for transfer. About 32 per cent of the riders are transfer passengers, which makes the average rate 5⅓ cents.

As to financial condition, the balance sheet of April 30, 1923, showed a plant investment of $40,880,000, and a surplus of $1,311,607.55, of which $1,028,791.77 was the result of operation since May 15, 1922. This surplus was the balance remaining after deductions had been made from revenues for all charges prescribed by the charter, that is, operation and maintenance, taxes, interest, and sinking fund, including a reserve to pay off the purchase contract at the end of ten years. The department pays the usual rate of taxes on its property in Detroit and neighboring cities and sets aside 3 per cent of gross revenue for an injuries and damages reserve. The accounts are kept in accordance with the interstate commerce commission's classification for street railways.

The D. S. R. did not in its first year maintain a depreciation fund in the strict sense of that term, although as a matter of correct procedure some form of depreciation account is now to be set up. Because sinking fund requirements adequate to retire all out-standing securities must

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be taken from earnings, the D. S. R. officials hold that the provision for a depreciation fund sufficient to completely replace the plant would constitute a double charge upon the car rider. This is true. Whether such double charge for the Detroit system is necessary, depends upon a judicial interpretation of a section of the charter, which has not been had. The equivalent of the depreciation fund usually found in privately owned utilities for replacement of depreciated assets, is in fact found in the Detroit system in the mandatory extinguishment of securities representing the depreciated assets. This procedure is the financial equivalent of replacing the assets, and does not violate sound accounting principles.

It is true that a depreciation reserve (as distinguished from a depreciation fund) would afford correct information with respect to operating costs, as a basis of fixing the rate of fare, and also with respect to the plant value at any time. Were such reserve charge made, the operations for the $11\frac{1}{2}$ months, set up according to usual private accounting practice, would show as follows:

Revenues		$19,067,631.30
Expenses		13,368,796.72
Net before taxes, interest, and depreciation		$5,698,834.58
Taxes	$632,824.62	
Interest	1,795,487.07	2,428,311.69
Net before depreciation		$3,270,522.89
Depreciation (estimated @ 5% on $40,000,000 per year)		1,917,000.00
Net income, available for transfer to surplus or retirement of outstanding securities		$1,353,522.89

This method of accounting would show a larger surplus, by $325,000, for the period than the D. S. R. records now show. This is because the sinking fund charges now being made from earnings are a greater burden than depreciation charges would be.

The department issues a monthly report of income and operating statistics, prepared promptly upon the 15th of the following month and made available to the press and the public. As with other departments of the city, a budget of annual requirements is submitted to the mayor and council.

It is significant that at the April election the people authorized a bond issue of $5,000,000 for additions and betterments. An official opinion of the people with respect to municipal operation has not been ascertained, except in this referendum.

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Public Utilities in Other Cities. The Boston elevated railway closed its fourth year under the Public Control Act June 30, 1922, with a surplus of $1,385,211 in spite of the fact that the five cent fare had been restored for short hauls to such an extent as to apply to 21 per cent of the traffic. This unique experiment in private ownership and public operation is apparently working out a financial success. The general manager, Edward Dana, writing in the *National Municipal Review* for October, 1922, claims improved service and greater efficiency than under private operation. He was not able, however, to hold out hope of a return to a uniform five cent fare.

Of minor importance looked at from the point of view of the interests involved, but of some significance as indicating the possible future treatment of the transit problem by small cities, was Ashtabula's purchase of her street railways. The private company's ruin had been completed by war time conditions from which it showed no ability to recover even with an eight cent fare. The purchase price paid by the city was $150,000.

The defeat of three initiative proposals in California indicates a disposition on the part of cities still to resist the processes of centralization which have been revolutionizing our municipal utility situation. The first of these measures gave the railroad commission exclusive power to grant street railway, interurban, and stage line franchises. The second proposed to subject municipal utilities, except water works, to taxation on the same terms as privately owned utilities. The third would have subjected all municipally owned utilities to the regulation of the railroad commission except in the matter of the issuance of securities.

City Manager Plan. The popular approval of the Cleveland charter in November, 1921, has been previously noted.[1] The probable results when it finally goes into effect next January are still a subject of controversy among students of municipal politics. In the meantime the adoption of the manager plan in smaller cities has gone rapidly forward. It is impossible to furnish exact statistics as there is no universally accepted rule by which to determine what is a "manager." The Ninth Year Book of the City Managers' Association presents a list of manager cities corrected to April 1, 1923, which indicates that the manager plan has gone into effect either by charter or ordinance as follows:

[1] *American Political Science Review*, XVI, 83 (Feb., 1922).

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1908..... 1	1915..... 20	1918..... 29	1922..... 42
1912..... 3	1916..... 20	1919.....31	1923..... 21
1913..... 11	1917..... 19	1920..... 39	—
1914..... 21		1921..... 54	Total....311

These figures probably exceed slightly the true number. Professor Robert T. Crane, in his *Digest of City Manager Charters* published by the National Municipal League, gives the number of charters taking effect as follows:

1913..... 6	1916..... 13	1919..... 20	1921..... 44
1914..... 15	1917..... 14	1920.....21	1922.....33
1915..... 16	1918..... 20		—
			Total....202

These figures in turn probably err slightly on the side of conservatism. Professor Crane of course does not take account of the cities adopting the plan by ordinance. In both sets of returns the peak was apparently reached in 1921. There is no material change in the character of city manager charters except an increased tendency toward larger councils. Professor Crane presents statistics to the effect that now only 78 per cent of manager cities have councils of five or under. We find from his tables that charters providing for a council of seven or more members have been adopted as follows:

1915..... 4	1917..... 4	1919..... 1	1921..... 14
1916..... 2	1918..... 3	1920..... 3	1922..... 3
			—
			Total.... 34

The most important cities to adopt the plan in recent months are Berkeley and Stockton, California; Grand Junction, Colorado, and Knoxville, Tennessee.

Waltham, Massachusetts, and Lawton, Oklahoma, voted in November last to abandon the manager plan in favor of the mayor-council form of government. In Lawton hard times and bitter, long-continued difficulties with public utilities created a popular resentment which found vent in an attack on the form of government. Overconfidence on the part of the friends of the system also played a part in the result. Waltham's action can only properly be appreciated in connection with the fact that at the ensuing election the former manager, H. F. Beal, was elected mayor, polling more votes than all his opponents and twice as many as the highest of them. Mayor Beal, in a communication referred to in the *City Manager Magazine* for April, declares that the friends of

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manager plan believed it so firmly rooted that they made no effort to organize prior to the charter election. This fact coupled with a very light vote accounts for the change. Mr. Beal's election seems as thorough a vindication of the success of the manager plan under his charge as any one could desire. In his new office he will have even greater power than before.

In the period covered by these notes Grand Rapids (April, 1922) and Dayton (November, 1922), two of the largest manager cities, sustained the manager plan in the face of very vigorous attacks. Grand Rapids, however, subsequently (April, 1923) amended her manager charter by providing that the mayor, who remains a figure head, should be elected by popular vote and the six councilmen by wards.

What, in the newspaper headlines, appeared to be a most dramatic and significant repudiation of the manager idea by an important community, on nearer view is discovered to be something very different. Nashville never had a manager government except in name. The Tennessee legislature of 1921 amended the proposed charter beyond recognition. The council was elected on the issue of making a certain person city manager. In other words he was really chosen by the people and he was pledged to deliver the city from the manager plan at the earliest opportunity. In the opinion of A. B. Mays, writing in the *National Municipal Review* for January, 1923, the whole fiasco may be ascribed to political hysteria worked up by interested politicians about such shibboleths as "liberty," "freedom," "democracy." The most regrettable feature of the whole affair is that in overthrowing the manager plan Nashville reacted to the old type of mayor-council government with numerous elective officers instead of to the commission plan which the city enjoyed from 1913–1921.

Report of the New York Charter Commission. The charter commission for New York City, appointed by authority of an act of 1921, recently submitted to the New York legislature a report and the draft of a charter to take the place of the enormous document under which New York City is now governed. One can have only praise for the thoroughness with which the commission has done its work. If it had done nothing more than secure the publication of the monograph on *The Statutory Sources of New York City Government* by Arthur W. MacMahon of Columbia University it would have made a considerable contribution to the understanding of that prodigious maze of statutes in which are hidden the powers of our greatest city.

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The charter commission deliberately refrained from proposing any revolutionary changes in the form of government. Its charter draft requires the appointment by each borough president of a commissioner of works who may exercise all of the powers of the borough president. If completely carried out this plan would relieve the borough president of all duties except those connected with the board of estimate and apportionment. There is an attempt, upon which the report lays much stress, to enlarge the powers of the board of aldermen and restore some genuine dignity to that rather lightly regarded body. In the furtherance of this proposal the commission recomends the election of the board by a system of proportional representation. It points out that officials elected at large must always be candidates of one or the other of the great national parties, and urges that a system of proportional representation for the board of aldermen will give in that body representation of smaller political groups. Even such a concession from a New York commission to the idea of non-partisan municipal government should be gratefully acknowledged. The attempt to dignify the position of the board of aldermen, however, will probably be largely negatived by the continued inferiority of that body in financial matters. The commission's charter leaves the preparation of the budget to a budget commissioner appointed by the board of estimate and apportionment. The board of aldermen may freely reduce or strike out items from the budget. It can, however, increase no item unless with the concurrence of the board of estimate and apportionment, while any changes it may make are subject to veto by the mayor. Since city government is almost altogether a matter of spending money to the exclusion of other forms of legislative activity, the board of aldermen will probably remain, as it now is, a body of doubtful utility.

The real significance of the work of the commission is not to be found, however, in the suggestions of trifling changes in the form of government, but first in the reduction of the charter to manageable limits. The draft contains only 250 sections as compared with more than 1600 in the present charter. Secondly, the commission has performed its greatest service in providing a practical plan for home rule. It leaves to the legislative authority of the city the power to regulate most matters concerning its municipal life. Exception is made of certain of the more important departments and officers, such as the board of aldermen, the board of estimate and apportionment, and the police department, the organization of which is regulated in detail in the charter. The power to operate public utilities is left to depend upon

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the action of the state legislature. The method of exercising the power of taxation is prescribed in the charter. The grant of power to the city is both specific and general. On the whole the commission's draft of a charter is a very admirable piece of legal writing which, if it could be adopted, would introduce order and simplicity into what is now one of the most confused of legal situations. The main purpose of the new draft is to be found in its short title, which reads, "This act shall be known and may be cited as the Home Rule Charter of the City of New York."

Other Charter Revisions. Aside from the gradual growth of the manager plan the most important charter change of the year was the passing of the bicameral council in Baltimore. The people of that city on November 7, 1922, ratified an amendment to the charter providing for a single chamber council, by a vote of 68,913 to 33,564. The new council consists of a president elected at large for four years and 18 councilmen chosen three from each of six districts for the same term. The president receives a salary of $3,000 a year and the councilmen $1,500. This action left Kansas City, Missouri, possessed of the last bicameral council in the country. A few weeks after the Baltimore election Kansas City voted to retain that unique distinction.

The Kansas City charter commission elected in November, 1921, labored industriously for many months and produced a very voluminous charter—268 typewritten pages exclusive of certain alternative provisions. It was assisted but scarcely guided by the Kansas City Public Service Institute. Aside from the abolition of the present bicameral council and the introduction of certain matter calculated to improve the technique of city administration, the new document showed little advance over the old. It was defeated because of the fear of disturbing the bi-partisan water board to whose capacity for solving the difficult water supply problem public faith clung with desperation. The people were more interested in keeping the construction of new water works out of the hands of the dominant party than in improving somewhat their city charter. They voted overwhelmingly for an alternative proposition submitted by the commission which purported to retain the bi-partisan board. Then, because of a doubt as to the effect of adopting the charter and the alternative, they voted against the whole matter. The result was the defeat of the charter by a large majority. A new charter movement is now impending with a strong popular trend toward the manager plan. Against the time

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when a charter commission may be elected the Public Service Institute has prepared an excellent if bulky instrument to offer for its consideration.

Proportional Representation. The supreme court of California on December 22, 1922, denied an application for rehearing in the case of *People ex rel. Devine v. Elkus*,[2] thus making final the decision of the third district court of appeal that the P. R. feature of the Sacramento charter was unconstitutional. The decision followed very closely the reasoning by which the Michigan supreme court overthrew the similar provisions of the Kalamazoo charter.[3] While it is reported that the supreme court of Ohio has just upheld the constitutionality of the election system of the Cleveland charter (a decision unfortunately not yet available in any collection of cases), the hostile attitude of a jurisdiction as notably "progressive" as California should be clear warning to the advocates of P. R. to seek favorable constitutional amendments before inviting cities in other states to adopt the system.

There are two matters covered by the California decision, both of great importance to students of municipal government. The first relates to the effect to be given to the home rule sections of the constitution when in conflict with its general provisions. The constitution of California (Article 2, Section 1) declares that every qualified elector "shall be entitled to vote at all elections which are now or may hereafter be authorized by law." Article 11, Section 6, provides that cities may "make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters." Article 11, Section 8, begins by providing that a city of 3,500 population or more "may frame a charter for its own government consistent with and subject to this constitution." Article 11, Section 8½ sets forth that "it shall be competent in any charter . . . . and plenary authority is hereby granted, subject only to the restrictions of this article, to provide therein, or by amendment thereto, the manner in which, the method by which, the times at which, and the terms for which" municipal officers shall be elected and appointed. The court disposed of Section 6 by saying that it clearly refers to the powers of cities once chartered, it being absurd to say that their charter making powers are subject to the restrictions and limitations provided in their several charters. The court also found that the apparently

[2] 211 Pacific Reporter, 34.
[3] *Wattles v. Upjohn*, 211 Michigan, 514.

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explicit and plenary grant of power in Section 8½ must be read in connection with the opening sentence of Section 8, the restriction of which "applies to and qualifies every power conferred upon the chartered city." It then supports with authority its conclusion that power given to regulate the manner and method of elections relates only to the details of election procedure. The court obviously assumes the position, probably the general judicial attitude, of construing home rule provisions strictly and the general clauses of the constitution liberally. With this portion of the decision there can be little quarrel. It would certainly require strong and specific language to establish that the constitution makers or amenders intended to give a board of charter commissioners power to change fundamentally the conditions of the suffrage.

The writer of these notes, however, cannot refrain from expressing his dissent from the remaining portion of the decision, namely, "that the proportional representation system of voting provided for in the charter is violative of the electors' constitutional right to vote at all elections." The argument of the court in support of its opinion is substantially identical with that of the supreme court of Michigan in *Wattles v. Upjohn*. "The right," said the California court, "to vote at all elections includes the right to vote for a candidate for every office to be filled," and it proceeded to hold that the Hare plan gives the citizen the right to vote for but one of the nine positions on the council. The court admitted that if the city were divided into nine territorial districts, each electing one councilman, the electors' constitutional right would not be violated. It refused, however, to recognize constituencies "based on common opinion instead of arbitrary geographical lines."

The difficulty with both the Michigan and California courts is that they abandon the substance of the constitutional guarantees of the right to vote. These guarantees were intended to protect the universality of the suffrage, not to preserve any peculiar method of exercising that right. It would be idle to contend that the framers of even so recent a constitution as that of Michigan gave a serious thought to the probable use of the preferential or proportional systems. Their minds were on the problem of preventing discriminations between voters. It is demonstrable that the Hare plan gives the voter a more effective share in selecting a representative body than does the plurality system. Certainly each voter's power is equal to that of every other voter. Doubtless there are constitutions requiring in terms that elections be by the majority system. This does not appear to be the case in California or

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Michigan. The courts in question have simply found the new system different from the old and therefore bad. Unfortunately other courts can be counted on to follow them.

According to the latest information available an amendment constitutionalizing P. R. is pending in the California legislature.

Home Rule. As these notes are written there seems no hope that the Craig Home Rule bill will pass the Pennsylvania legislature. This act would have given all classes of cities the power to frame their own charters through the medium of a charter commission of fifteen members elected by the people. Each city was to possess powers of local self government except as limited by general laws and laws affecting a class or classes of cities on the subjects of taxation, condemnation, indebtedness, and some other subjects. The act was written by a committee of city solicitors and was supported by the Pennsylvania State Chamber of Commerce.

What might have been one of the most significant steps toward municipal home rule proved only a stumble when the proposed Illinois constitution went down to overwhelming defeat last December. That much abused document gave to Chicago—but to no other Illinois city—power to frame its own charter, and prohibited legislative interference with the structure of the city government. On other matters special acts of the state legislature were to be subject to veto by the council. The city was also given additional powers with regard to the operation of public utilities, especially transportation and water supply. Chicago was "declared to possess for all municipal purposes full and complete power of local self-government and corporate action" except as prohibited by law. The legislature, however, was to retain general authority over taxation and borrowing. It is indicative of progress that such enlightened provisions should be written into the draft of even a defeated constitution.

Recall. The recall, which as an active instrumentality of popular rule has been mostly rusting in disuse, was given its most striking use in years in the removal of City Manager C. E. Hewes of Long Beach, California. Mr. Hewes had served acceptably as city manager first in Alhambra and afterwards in Alameda before accepting the Long Beach position. He is well known as an honest and capable official. He fell into ill favor with certain political elements who organized to oust him. Apathy on the part of the general public and over confidence on that

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of the immediate supporters of the manager resulted in a victory for his opponents. The inability or unwillingness of the people to pass upon the qualifications of an administrative expert was again demonstrated. The incongruity of applying the recall to a city manager has long been asserted. The Long Beach election proves it. The reason for reliance on a manager rather than on an elective mayor lies in just that popular incapacity. If an elective executive is necessary we should have one, but if we are going to try an expert appointive executive it is ridiculous to insert the elective principle indirectly by way of the recall.

Municipal Finance. The census bureau renewed in 1922 the publication of the *Financial Statistics of Cities Having a Population of Over 30,000*, which had been suspended for a year. This report, which gives the only comprehensive comparative data concerning municipal finance in this country, has always been a matter of great interest. Many criticisms have been directed at the nature of the information furnished but the total absence of financial statistics for the year 1920 was sufficient to ensure a warm welcome for their renewed publication in almost any form. Two facts, however, must be regretfully noted. First, the statistics for 1921 relate to only 183 cities out of 253 possessing a population of more than 30,000. This causes the general averages to lose something of their scientific value. The absence of any figures from such cities as Detroit, Cleveland, Baltimore, Milwaukee, and Newark vitiates the value of the record for purposes of comparison. Second, and of much more significance, is the reason for the incompleteness of the volume. While the figures were in process of being compiled as usual by agents of the census bureau from the books of the respective cities, a new policy was decreed in accordance with which the information required by the bureau must be supplied by the financial officers of the city. The bureau agents completed the reports on which they were working and the statistics of 129 cities were reported by the old method. Of the remaining 124 cities, 33 turned in usable reports, and 21 supplied printed reports from which the officers of the bureau prepared the necessary information, while 70 failed to furnish any report at all or reports so incomplete as to be unusable. The bureau acted on an assumed faith that its 18 years of work with the cities had resulted in something like uniformity in their accounting methods and that they would be prepared to coöperate. The fact that coöperation was wholly refused in many cities and that many more gave it so reluctantly or

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incompetently as to be useless, teaches a severe and needed lesson. It faces us with the disagreeable alternative of a general lack of appreciation on the part of city officials of the value of comparative statistics, and a narrow and selfish provincialism in our municipal leadership, or a state of municipal accounting which makes the development of financial summaries intolerably difficult. The reader may take his choice. The fact that only 55 out of 124 cities effectively responded to the demands of the census bureau is inescapable.

The recent report is much less complete than its predecessors, the schedules having been simplified to make it easier for the city officials. Many comparisons with past years have been necessarily omitted. So far as the general conclusions of the report can be accepted as valid they show an increase in the per capita average of government cost payments from $35.58 in 1919 to $49.03 in 1921. The greatest increase was in the expenses of general departments amounting to $8.49. The per capita outlays for permanent improvements increased $3.61. Per capita revenue receipts grew from $35.32 to $44.32 and now noticeably lag behind the per capita of government cost payments. On its surface this would seem to indicate a somewhat unhealthy condition.

St. Louis has just authorized the issue of $87,000,000 of bonds, making possible a scheme of city development so wide as to include sanitary measures of far reaching importance, new playgrounds, widening of arterial streets, opening of a new industrial district, and building of a civic center which is to be a memorial to soldiers who died in the World War.

The voters of Detroit, at the election April 2, authorized bond issues of $12,000,000 for an electric power plant and $5,000,000 for street railway extensions, additions, and betterments. The street railway vote made a total of $24,000,000 authorized since 1920 for that purpose. During the past five years the electorate of Detroit has authorized bond issues of $97,500,000, for a wide range of public improvement projects,—sewers, water main extensions and filtration plant, parks and play grounds, memorial hall, street railway, electric plant, bridge to Belle Isle, general hospital, and others.

The former city controller of Detroit, Henry Steffens, Jr., in order to establish a precedent for that office, compiled a condensed annual report of all city departments, and obtained the consent of the council to print it for general distribution. Reports were prepared for both 1921 and 1922. One hundred thousand copies were printed each year, and given circulation through civic organizations and the schools. The

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report is used by the board of education in the sixth grade and up, as a text book in community civics, for a four to six weeks' course.

Per Capita Taxation in Michigan Cities. The following data is an extract from a study prepared in the bureau of government at the University of Michigan on per capita taxes on general property in eighty cities in the state of over 2,500 population. It is based upon the population figures of the 1920 census and financial figures furnished

Amount of per capita tax on general property in Michigan cities over 30,000 population, 1922

CITY	POPULATION 1920 CENSUS	DIVISIONS OF GOVERNMENT			
		Total*	Government of city**	City corporation	School district
Battle Creek	41,436	$41.43	$31.21	$13.42	$17.79
Bay City	47,554	37.93	30.24	15.99	14.25
Detroit	993,739	53.49	43.36	28.69	14.68
Flint	91,599	49.90	39.60	23.01	16.58
Grand Rapids	137,634	42.70	33.56	16.18	17.38
Hamtramck	48,615	40.00	21.19	10.88	10.31
Highland Park	46,499	64.59	50.25	25.27	24.98
Jackson	48,374	40.69	27.84	15.50	12.33
Kalamazoo	48,487	45.94	34.94	17.87	17.06
Lansing	57,327	50.19	40.42	21.17	19.25
Muskegon	36,570	48.39	36.39	20.52	15.86
Pontiac	34,273	55.76	43.41	24.69	18.72
Saginaw	61,903	44.45	34.77	20.40	14.37

* Including state and county, county road and any other divisions.
** Including school district.

by the board of state tax commissioners and city officials. In many instances figures from the two sources did not agree as to city and school taxes and in such cases those of the tax commissioner, which are made up by assessing officers of the state, were used. These discrepancies demonstrate the need for reliable statistics of municipal finance.

The 1921 report on financial statistics of cities over 30,000 shows the total per capita general property tax for all cities in the United States to be $36.46 for all civil divisions, city, county and state, and $31.49 for city government, including schools. The census figures, though incomplete, are representative and furnish a fair basis of comparison. In the

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thirteen Michigan cities of over 30,000 population the per capita of total taxes in 1922, ranges from $37.93 to $64.59. The average for these cities ($47.34) is over ten dollars higher than the average for the whole United States. For city government, including school districts, the variation is from $21.19 to $50.25, and the average is $36.92 as compared with $31.49 for all cities.

The general assumption that per capita cost of government increases as population grows seems to be borne out by the figures for the eighty Michigan cities of over 2,500 population. Most of the larger cities appear past the median. Yet many small cities will be found to have higher taxes than the greatest cities. This is also true of the residential districts for Detroit, where property values are high and the residents' requirements exacting. Only a knowledge of the economic and social conditions, such as circumstances of growth, differences in policy pursued in paying for new buildings and improvements, and the extent of service rendered in each city, would explain the difference from city to city, but such comparisons, if not conclusive, are at least suggestive.

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City Planning. On May 10, 1922, the Russell Sage Foundation announced the project for a comprehensive regional plan for New York and already the committee in charge is able to announce substantial progress in the creation of an effective organization. Some of the preliminary surveys have already gone far enough to justify a report.[4] It is pleasing to note the vigor with which our most gigantic planning problem has been attacked. Students of municipal affairs have long realized that New York was in danger of strangling on her own population. The only practical efforts to relieve congestion have related to transportation. The result has been a subway system which by its remarkable speed and vast carrying capacity intensifies the situation it was intended to relieve. The truth has gradually penetrated to the minds of some of the elect—unhappily not yet of the elected—that improving the means of dumping passengers into the lower end of Manhattan Island mornings and extracting them therefrom at night means an endless succession of new subways and constantly more congestion. The committee, therefore, has started with the idea that only

[4] *Plan for New York and Its Environs, Report of Progress, May 1922–February, 1923.* Published by the Plan of New York and Its Environs, 130 East Twenty-second Street.

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the best utilization of every portion of the whole metropolitan region, including a bit of Connecticut and a good deal of New Jersey, can be relied upon to relieve congestion and promote the general interests of the community. The scope and thoroughness of the work undertaken by the committee may be realized from the organization it has created. It has arranged for the following surveys: (1) physical; (2) economic and industrial; (3) social and living conditions, including recreation, housing, health, school facilities, and correctional institutions; (4) legal. Each of these branches of the work is in the hands of recognized experts in the field. In addition, Frederick Law Olmsted, Raymond Unwin, and Jacques Lambert have been retained for general criticisms and suggestions. The general administration of the work is in the hands of Frederick Keppel, secretary, and Flavel Shurtleff, assistant secretary. The personnel of the committee is as follows: Charles D. Norton, chairman, Robert W. de Forest, Frederic A. Delano, John M. Glenn, Dwight W. Morrow, Frank L. Polk.

On January 1, 1922, was held the first of a series of regional planning conferences in which the cities of Los Angeles county have participated. A regional organization has been established and the meetings have heard and discussed numerous reports of committees relating to various phases of their common planning problem. No special professional staff has been created for the purposes of the conference, which is simply a federation of existing agencies. It is chiefly significant for the recognition accorded the principle of community interdependence.

The appearance of the Standard State Zoning Enabling Act prepared by the Advisory Committee on Zoning appointed by Secretary Herbert Hoover in connection with the work of the Division of Building and Housing of the Department of Commerce has been one of the outstanding events of the year. This official recognition of city planning by the United States government was made all the more impressive by the character of the committee itself. Of even more significance to political scientists is the opening of a new field of federal activity—that of providing model laws, something in the manner of what our English friends call "clauses acts." The possibilities are endless and coupled with the growing policy of "grants in aid" may result in a high centralization in Washington of authority in matters constitutionally belonging to the states. The cause of city planning has doubtless been greatly promoted by the working out under such distinguished auspices of a standard zoning act.

By far the most important publication in this field has been Frank B.

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Williams' *Law of City Planning and Zoning*. This volume collects for the special benefit of students, city councilmen, and members of planning boards, the principal statutes in this country and Europe affecting city planning and zoning. It reviews many of the judicial decisions relating to the subject and supplies a very extensive bibliography and an elaborate index of statutes. The attitude taken is intensely practical. The author has written for those who are interested in getting city planning done and definitely points the legal road they must travel. Miss Theodora Kimball is the author of a pamphlet, *Survey of City and Regional Planning in the United States, 1922, Including a List of Plan Reports 1921–22* (reprinted from *Landscape Architecture*, January, 1923). Thomas Adams' *Modern City Planning*, published as a supplement to the *National Municipal Review* for June, 1922, is an excellent summary of the technical advance which has been made in city planning methods. The standardized State Zoning Enabling Act has already been referred to.

City-County Consolidation. The Montana legislature at its recent session adopted a measure authorizing, subject to local referendum, city and county consolidation in the state. The measure, which was drafted by Dr. A. R. Hatton, was originally intended for the county of Silver Bow (Butte) only. At the last moment it was amended to make its application general. The government of the county is vested in a commission of from three to seven members elected for overlapping terms of four years, which is to carry out its functions through a manager. The manager in turn is to appoint the heads of the five departments—finance, police, public works, health, and fire protection—and other officers. With few exceptions, doubtless occasioned by the peculiarities of the Montana situation, the law represents the consensus of opinion of municipal experts on the structure of local government.

Theory went down to defeat in its struggle with the "practical" citizen's prides and prejudices in the worthy but perhaps over-ambitious attempt to unite Oakland, Berkeley, Alameda, and adjoining communities into a consolidated city and county under a borough system. It was not so much a lack of interest in county reform as indisposition to coöperate with each other that caused the several cities surrounding Oakland, which has sixty per cent of the county's population and bears a like proportion of the tax burden, to vote against the original consolidation proposal on November 15, 1921. Oakland voted for

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consolidation. A second proposition was then submitted to the people providing for a separate consolidated government for Oakland and two small neighbors. Although Oakland again voted favorably the whole county demonstrated at the second election its unwillingness to divide itself by permitting the formation of such a city and county of Oakland. Since the last election in February, 1922, nothing further has been done, but it is understood that the devotion of the tax association to the cause which it has sponsored for ten years is not lessened by this adversity.

The Missouri constitutional convention has before it various proposals affecting St. Louis which would make possible the absorption of part of the county of St. Louis on consent of the voters in the section concerned, and adjustment of other county boundaries so that St. Louis might annex areas outside the county. Home rule for cities in all matters excepting education, elections, and public utilities, has been recommended by the committee on counties, cities, and towns. These recommendations specifically provide for zoning, excess condemnation, and police home rule for St. Louis.

The year has also seen the publication of several important pieces of literature upon the subject of city-county consolidation. These include Kirk Porter's *County and Township Government*; a valuable monograph in the National Municipal Review series, *Political Integration of Metropolitan Communities*, by Chester C. Maxey; a report by the Philadelphia Bureau of Municipal Research dealing with the relations of the city and county of Philadelphia; such studies as have been made at the University of South Carolina on the economic and social conditions of certain counties; and numerous articles concerning problems in particular counties.

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JUDICIAL DECISIONS ON PUBLIC LAW

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Amendments—Initiative and Referendum Amendment Void as Not Separately Submitting Separate Subjects. Power v. Robertson (Mississippi, October 23, 1922, 93 So. 769). Section 273 of the constitution of Mississippi deals with the subject of amendments and provides among other things that when more than one amendment shall be submitted at one time for popular approval or rejection they shall be submitted in such manner that the voters may vote upon each one separately. In 1916 a constitutional amendment establishing the initiative and referendum was ratified by the voters of the state. The validity of the amendment was at once attacked upon the ground that it contained more than one subject and that these several subjects were not separately submitted. The supreme court repudiated that contention and sustained the validity of the amendment in the case of State v. Brantley, 113 Miss. 786, 74 So. 662 (1917). In the present case the court reverses this decision and holds the initiative and referendum amendment null and void. The reasoning of the court seems unduly strict. It arrives at the conclusion that the initiative and referendum amendment comprises a substantial number of separate subjects. It relates, for instance, to the initiative, to the referendum, to the amendment of the constitution, to the veto power of the governor, and to various other matters concerning legislative authority and the restrictions thereon. This being true, it follows, in the opinion of the court, that these various matters should have been submitted to the people, not as a single program but as separate and distinct items. The Brantley case would seem to embody the correct principle rather than the present case.

Conciliation of Civil Controversies—Constitutionality. Klein v. Hutton (North Dakota, November 25, 1922, 191 N. W. 485). This decision sustains the constitutionality of the Conciliation Act passed in North Dakota in 1921. North Dakota is the first state to establish a state-

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wide system for the settlement by conciliation of civil controversies involving small sums. The present case accordingly evoked more than an ordinary degree of interest from those interested in the improvement of the administration of justice. Dean John H. Wigmore, Professor Albert Kocourek, and Mr. Herbert Harley represented the American Judicature Society as *amici curiae*. The more striking provisions of the Conciliation Act may be summarized as follows: (1) It is made the duty of the district court judges to establish in each county of the state a conciliation board of not more than twelve nor less than six members, who may be removed at the pleasure of the district court. There are provisions governing the matters of eligibility, compensation, organization, etc. (2) No civil suit, except such as involves title to real estate or sums in excess of $200, may be brought in any trial court in the state unless the plaintiff shall file with the court a certificate of a conciliator stating that an attempt has been made to settle the claim by conciliation and that that attempt has failed. (3) Any person alleging a civil claim within the jurisdiction of the conciliator shall request one of the conciliators for his county to act in his case. The conciliator shall notify the person complained of to appear and an attempt shall be made to effect "an amicable settlement of the controversy agreeable to law and equity." No record of these proceedings is kept, the proceedings before the conciliator may not be introduced as evidence in any court, nor may the conciliator be summoned as a witness. (4) If a settlement of the controversy is reached by the means just described the conciliator files with the district court a certificate embodying the terms of the agreement and bearing the signatures of the parties. This certificate has the force and effect of a judgment of the court. (5) If the party complained of fails to appear before the conciliator or for any other reason the parties fail to reach an agreement, the conciliator shall give to either or both parties upon request a certificate stating that an attempt has been made in good faith to settle the dispute by conciliation and that the attempt has failed. (6) If both parties to a dispute shall agree in writing to submit a controversy to a conciliator as an arbitrator, the conciliator shall receive the evidence and shall within five days make an award which shall have the force and effect of a judgment of the district court.

After disposing of the contention that the title of the statute was defective the court turned to the first major argument against the validity of the act, namely that it invaded the constitutional right of trial by jury. This point was disposed of by holding that the concili-

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ation boards were not courts at all. Such a board is rather a "tribunal, a board, a table of peace where those who have certain kinds of controversies are invited to sit; this tribunal possesses none of the attributes of a court." A second objection to the effect that the act worked a denial of due process of law was met by pointing out that no litigant was deprived of any of his pre-existing legal rights by the operation of the act. He was required to go through certain preliminary steps before he could bring his action in a court of law, but none of his procedural or substantive rights were diminished or destroyed. The attempt at conciliation can merely fail and in that event the litigant is in no worse position than as though the attempt had not been made. Other objections more trivial in nature were answered by the court. The claim that the act impaired the obligation of the contract which the lawyers of the state had with the state guaranteeing them the privilege of practising law in any court of the state, was disposed of by denying the existence of any such contractual right and by reiterating that the conciliation tribunals were not courts. It was further held that the act conferred no special privileges and interfered in no way with the constitutional rights or duties of any court or judicial officer.

The text of the Conciliation Act and the court's decision sustaining its validity, together with a synopsis of the brief filed for the American Judicature Society, appears in the *Journal of the American Judicature Society* for February, 1923. The entire brief may be had upon application to the secretary of the society.

Delegation of Legislative Power—Validity of Act Requiring Employers to Provide Washrooms upon a Vote of the Employees. Commonwealth v. Beaver Dam Coal Co. (Court of Appeals of Kentucky, February 28, 1922, 237 S. W. 1086). A statute passed in 1920 made it mandatory upon employers in certain types of industries to install washrooms for the use of their employees in any case in which 30 per cent of the workmen by vote requested that such facilities be provided. Admitting that it would be a legitimate exercise of the police power to require washrooms to be established by a general and uniform law, the court held that the provision making the requirement contingent upon a vote of the employees affected was an unconstitutional delegation of legislative power. The constitution of Kentucky provides specifically in section 60 that no law, with certain exceptions not relevant to the case in question, "shall be enacted to take effect upon the approval of any other authority than the general assembly, unless otherwise . . . . provided in

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this constitution." The act is a direct violation of this provision. The court examines with great care the theory upon which the statute was defended by the state, namely that "it derives its effective force direct from the Legislature and the acceptance by the employees is merely a prescribed condition upon which whenever existent the act by its own force uniformly operates." The operation of the law is held, however, to be dependent entirely upon the consent of a minority of the persons to be affected, irrespective of the general conditions governing its necessity, and this the court finds to be not only a direct delegation of legislative power but also a delegation of such power to be exercised locally and in a discriminatory fashion.

Due Process of Law—Legislative Power to Penalize Profiteering. State v. Goldstein (Court of Appeals of Alabama, June 13, 1922, 93 So. 308). In 1919 the legislature of Alabama passed what was known as the Anti-Profiteeering Act. Profiteering was defined by the statute as "the selling or offering for sale of any article or commodity of food, clothing, fuel or other necessity of life with the intent of obtaining a fraudulent or grossly excessive price over its true or intrinsic worth." In determining whether a price charged was fraudulent or grossly excessive the original cost of the article was to be taken into consideration. It was provided that persons convicted of the violation of the act should be subject to a maximum penalty of a fine of $5000 and imprisonment at hard labor for two years, and that such person should also be subject to a civil action for damages brought in the name of the state. In all cases "the question whether the party sued violated any provision of this act, shall be a question for the jury." The defendant, who was convicted of selling a pair of ladies' hose for $1.79, alleged that the statute violated the guaranty of "life, liberty, and the pursuit of happiness" in the bill of rights of the state constitution, and also the due process clause of the Fourteenth Amendment. Prefacing its comments with the statement that its decision in the present case was the most momentous which it had rendered in half a century, the court proceeded to justify its conclusion that the act in question was unconstitutional. In the first place it criticized severely the use in the statute of the words "fraudulent and grossly excessive price," pointing out that to call a price "fraudulent" merely because it was high was to pervert the true meaning of the word. Turning to an examination of the authorities it found that in no jurisdiction did there seem to be any precedent for legislative price control save in the case of businesses

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which were definitely affected with a public interest. The act in question was, in short, "a radical and epochal departure from the trodden paths of governmental action under hitherto recognized constitutional restraints" and the court held accordingly that it was an unwarranted and arbitrary interference with the liberty protected by the Fourteenth Amendment and the bill of rights of the state constitution. A lengthy dissenting opinion was filed supporting the validity of the act as a legitimate exercise of the police power.

Due Process of Law—Validity of Statute Penalizing the Discharge of an Employee for Testifying Before Industrial Welfare Commission. Poye v. State (Court of Criminal Appeals of Texas, October 13, 1920, 230 S. W. 161). A Texas statute of 1919 created an industrial welfare commission with power to make investigations into the working conditions of women and children, fix minimum wages, etc. This commission was authorized to take testimony and it was made a penal offense for any employer to discharge any employee for giving testimony before the commission. The plaintiff in error was convicted under the statute and appealed on the ground that it involved a denial of due process of law and impaired the obligation of contracts. The court found no merit in either contention but held that the provision was a reasonable and legitimate exercise of the police power of the state.

Imprisonment for Debt—Validity of Statute Penalizing Tenant for Abandoning Tenancy without Repaying Advances of Money Made by Landlord. Minton v. Early (North Carolina, March 22, 1922, 111 S. E. 347). Section 4480 of the Consolidated Statutes of North Carolina provided that any tenant who abandoned a tenancy or crop without repaying such advances as had been made by the landlord should be punished by fine and imprisonment. The statute did not make it necessary to conviction to allege or prove fraud either in the inception of the contract or in its breach. It further established the civil liability to the landlord of any one employing a tenant who had abandoned a tenancy without repaying advances made, and also made it a penal offence to persuade a tenant to violate his contract with his landlord. The North Carolina constitution forbids imprisonment for debt except in cases of fraud, and in a brief opinion the court held that the statute in the present case violated that provision, since it was clear that the offense consisted in the breach of the contract and not in any fraudulent acts related thereto.

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Initiative and Referendum—Establishment by Constitutional Amendment Repeals Previous Constitutional Grant of Power to Executive Officers to Redistrict State on Failure of Legislature to Do So. State v. Becker (Supreme Court of Missouri, in Banc, December 3, 1921, 235 S. W. 1017). Article 4, Section 7 of the constitution of Missouri, adopted in 1875, provides that the state shall be redistricted by the legislature for purposes of legislative apportionment after every federal decennial census. If the legislature fails to perform this duty it is made incumbent upon the governor, attorney-general, and secretary of state to redistrict the state. The last legislative redistricting in Missouri was accomplished by an act passed in 1901. On the 16th of April, 1921, the governor, attorney-general, and secretary of state proceeded to redistrict the state in accordance with the constitutional provision mentioned. This case presented the issue of the constitutionality of their action. In an exceedingly interesting but not altogether convincing opinion the court held that the three executive officers mentioned were without constitutional authority to redistrict the state. The grounds of the decision may be summarized as follows: The function of redistricting the state for legislative purposes is a legislative function pure and simple regardless of the fact that the constitution conferred it upon executive officers. In 1908 an amendment to the Missouri constitution was adopted providing for the initiative and referendum. This amendment begins with the statement customarily found in such clauses to the effect that the legislative authority of the state is vested in a legislative assembly, but that the people reserve to themselves the powers of initiating laws or rejecting those passed by the legislature. In the opinion of the majority of the court the intention of the framers of this provision was "to center all legislative power or authority in one single legislative forum, so that they could invoke either the referendum or the initiative. That forum they made the General Assembly. This excludes legislative power or authority from other independent branches, or officers, of the government, and the thing before us is a constitutional grant of legislative power to three executive officers." In other words, the concentration of legislative power brought about by the establishment of the initiative and referendum operated to repeal the constitutional provision specifically delegating to the governor, attorney-general, and secretary of state authority to redistrict the state. Two dissenting opinions were filed, from the language of which it may be inferred that partisan animosities had been effectively aroused by the circumstances of the case.

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International Law— Right of Russian Soviet Government to Sue in a State Court. Russian Socialist Federated Soviet Republic v. Cibrario (New York, Court of Appeals, March 6, 1923, 139 N. E. 259). It is held in this case that the Russian Soviet government may not sue in the New York courts, on the ground that it has not been recognized by the United States. If a foreign government is duly recognized by our own government it may undoubtedly sue in the state courts. Its right to do so may be governed by treaty, or, failing that, will be held to rest upon international comity. Comity "may be defined as that reciprocal courtesy which one member of the family of nations owes to the others . . . . It may, however, not be demanded as a right." Until a foreign government has been recognized no such comity exists, and such recognition is a matter of policy for the determination of the legislative and executive branches of the government. Not only has the United States refrained from recognizing the Russian Soviet government, but it has also publicly stated at length its reasons for refusing to do so. "In the face of these declarations it is impossible to hold that today any such relations exist between the United States and Russia as call upon our courts to enforce rules in favor of the latter depending upon the comity of nations."

It may be added that in the earlier case of Wulfsohn v. Russian Federated Soviet Republic, 234 N. Y. 372, 138 N. E. 24, the New York court of appeals held that the Russian Republic could not be made a party defendant in the New York courts. The court held that it would not take jurisdiction of an action brought without its consent against a foreign government in control of the political and military power over its own territory, regardless of whether it had been recognized by the United States or not.

Involuntary Servitude—Validity of Statute Penalizing the Breaking of Contract of Personal Service with Intention to Defraud. Phillipps v. Bell (Florida, August 16, 1922, 94 So. 699.) This case involved the constitutionality of the Florida statute of 1919, subjecting to penalty any person who, with intent to injure or defraud, should obtain money as an advance upon a contract to perform personal service. The act further provided that "in all prosecutions for a violation of the foregoing section the failure or refusal, without just cause, to perform such labor or service or to pay for the money or other thing of value so obtained or procured shall be prima facie evidence of the intent to defraud." The statute was attacked as a violation of the Thirteenth

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Amendment upon the authority of Bailey v. Alabama, 219 U. S. 219 (1911). The supreme court of Florida sustained the constitutionality of the act in question, distinguishing it from the act condemned in the Bailey case upon the following grounds: First, the Alabama statute made the crime consist in the fraudulent obtaining of money in advance from an employer plus the refusal, without just cause and without returning the money, to perform the services contracted for; the Florida statute makes the offense complete as soon as the advance of money has been secured with the intent to injure or defraud. In other words, the former act penalized the refusal to work while the latter did not. In the second place, the Alabama statute contained a rule of evidence identical with that in the Florida act, making the refusal without just cause to perform the services contracted for prima facie evidence of fraudulent intent, but it contained in addition the provision that "the accused, for the purpose of rebutting the statutory presumption, shall not be allowed to testify as to his uncommunicated motives, purpose or intention." The omission of this last clause is important in the judgment of the court. The court apparently feels some doubt as to the validity of the clause creating the presumption of guilt, but concludes that since the record of the proceedings in the court below does not disclose that this rule of evidence was actually applied in this case it is unnecessary to decide the question of its constitutionality. It seems clear that had the Florida court taken as broad a view of the general nature and operation of the system created by the Florida statute as did the Supreme Court of the United States in the Bailey case its decision might well have been different.

Officers—Public Office as a Property Right—Abolition of the Fee System. State v. Stewart (Tennessee, September 23, 1919, 247 S. W. 984). For many years county officials in Tennessee have been paid by fees. As a consequence the officers in some of the larger counties received very large sums of money. The legislature in 1917 passed an act applicable to counties having a population of over 190,000, abolishing the fee system and providing that the officers of such counties should be paid a fixed salary and should pay into the county treasury the fees collected. Other detailed regulations and restrictions were included in the act. The court held this statute unconstitutional upon a theory of law which may well fill any disinterested student of public administration with concern. It pointed out, in the first place, that the officers in Shelby County, the only county affected by the statute, perform the

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same duties as the officers of other counties throughout the state, and yet the statute subjects them to special burdens and discriminates against them in the matter of fees. Accordingly, "following the spirit of our constitution of justice and equality, and adhering to former adjudications of this court, we feel constrained to hold the act in question invalid as being arbitrary and partial." In the second place, the act is unconstitutional because it suspends a general law for the benefit of a single county. While admitting that counties could properly be classified upon a population basis for purposes of legislative regulation the court takes the view that the classification here is totally void of rational basis and has no connection with the governmental or political affairs of the county in question. "No good reason has been suggested to us which would justify such a discrimination." Finally, quoting an earlier Tennessee case, State v. Kerby, 136 Tenn. 386, 189 S. W. 859, the courts declared, "it is well settled that an office is a species of property in which he [the officer] has property rights." And it must be concluded from the language of the court that a county officer in Tennessee has property rights in his office which he can successfully assert against the efforts of the state to reform one of the widely recognized abuses in county government as it exists in the most populous county of the state.

Religious Liberty—Validity of Police Regulations Prohibiting Fortune Telling and Spiritualistic Communications. City of St. Louis v. Hellscher (Supreme Court of Missouri, Div. No. 2, August 28, 1922, 242 S. W. 652); McMasters v. State (Criminal Court of Appeals of Oklahoma, June 13, 1922, 207 Pac. 566). In the Missouri case the validity of an ordinance of the city of St. Louis forbidding fortune telling was attacked by the defendant as involving an abridgment of freedom of religion. The court disposed of the case briefly by declaring that "the freedom of religion is not abridged by prohibiting acts or practices inconsistent with the peace, good order, or safety of the state."

The statute involved in the Oklahoma case forbade "any person or persons, pretending or professing to tell fortunes by the use of any subtle craft, means, or device whatsoever, either by palmistry, clairvoyancy or otherwise," to charge or receive money or gifts therefor. The defendant, who was a spiritualistic "medium," purported to convey in exchange for the sum of one dollar a message from the spirit of Longfellow's Indian girl character, Minnehaha. The court took very evident enjoyment in writing its opinion, which in several places verges

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upon the ribald. It considers whether the statute violates the constitutional guarantee of freedom of religion. It questions seriously whether "spiritualism" is not a complete humbug rather than a religion, but concludes that even if it is a religion "religious liberty does not include the right to introduce and carry out every scheme or purpose which persons see fit to claim as part of their religious system. No one can stretch his liberty so as to interfere with that of his neighbor, or violate police regulations or the penal laws of the land, enacted for the good order and general welfare of all the people."

Taxation—Judicial Salaries Not Subject to Income Taxation When Diminution of Such Salaries Is Forbidden by State Constitution. Long v. Watts (North Carolina, March 8, 1922, 110 S. E. 765). This case involved the right of the commissioner of revenue of North Carolina to collect from the plaintiff an income tax upon his salary as judge of the superior court of that state. The constitution of North Carolina authorizes the legislature to fix fees and salaries of public officers with the proviso that "the salaries of the judges shall not be diminished during their continuance in office." The court held that the imposition of an income tax upon a judicial salary was a diminution of that salary within the meaning of this prohibition. The legislature may not do by indirection what it is forbidden to do directly. This decision follows that of the United States Supreme Court holding the salaries of federal judges exempt from federal income taxation. See Evans v. Gore, 253 U. S. 245 (1920). The only authority contra seems to be the case of Wickham v. Nygaard, 159 Wis. 396, 150 N. W. 513 (1915).

Women's Rights Act—Construction—Binds Wife Who Becomes Surety for Husband's Note. First Wisconsin National Bank of Milwaukee v. Milwaukee Patent Leather Co. (Wisconsin, December 5, 1922, 190 N. W. 822). In 1921 the legislature of Wisconsin enacted the Women's Rights Act, the text of which is as follows:

"(1) Women shall have the same rights and privileges under the law as men in the exercise of suffrage, freedom of contract, choice of residence for voting purposes, jury service, holding office, holding and conveying property, care and custody of children, and in all other respects. The various courts, executive and administrative officers, shall construe the statutes where the masculine gender is used to include the feminine gender unless such construction will deny to females the special protection and privileges which they now enjoy for the general welfare.

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The courts, executive and administrative officers shall make all necessary rules and provisions to carry out the intent and purposes of this statute.

"(2) Any woman drawn to serve as a juror upon her request to the presiding judge or magistrate, before the commencement of the trial or hearing, shall be excused from the panel or venire."

In the present case one of the defendants, a married woman, had signed her husband's note as an accommodation endorser, and action was brought by the plaintiff to enforce her liability as a surety. It was admitted that prior to the enactment of the Women's Rights Act she could not have been held liable. The defendant claimed that the intent of the act was to grant to women additional rights and privileges in certain respects and not to impose any new liabilities upon them, and that the act ought to be construed to secure to women the rights and privileges previously enjoyed. The court held, however, that the various common law disabilities upon the wife with respect to contracts were not limitations created for her protection and benefit, but were disabilities imposed upon her in her husband's behalf and for the protection of his estate. The recognition of a married woman's right to become her husband's surety is to be regarded, therefore, as an extension and not a diminution of her rights and privileges. The court further held that the statute in question was not fatally defective for uncertainty because it did not enumerate all of the provisions of the existing statutes to which it is made applicable. The court declared that the statute is remedial in character and should be construed fairly and liberally to effect the purpose for which it was enacted. It should "not be construed away in order to sustain preconceived notions as to the wisdom of conferring upon married women civil and political rights equal to those enjoyed by men." The court added that "this law, broad and general though it is, does not exhaust legislative power in this field. No doubt it is but the beginning of a legislative program to effectuate in a broad and liberal way the more modern conception of the place of women in the social, economic and political life of the country."

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FOREIGN GOVERNMENTS AND POLITICS

EDITED BY PITMAN B. POTTER

University of Wisconsin

Swiss Initiative Vote of December 3, 1922. On September 13, 1921, the Swiss Social-Democratic party filed an initiative petition for an amendment to the consitution, signed by 87,535 citizens, the required number being 50,000. The amendment thus proposed provided for the levy of a tax or special assessment upon property holdings in excess of 80,000 francs, the rates on personal holdings rising from 8 per cent upon the first 50,000 francs to 60 per cent upon amounts over 3,000,000 francs. Cantons and communes were to receive each 20 per cent of the amount yielded by the tax within their borders, the remaining 60 per cent going to the federation. The purpose of the tax, as officially stated, was to enable the public authorities to meet the obligations imposed by their social policies, particularly in such matters as old age, invalidity, and other forms of social insurance. By an order of the Swiss Federal Council dated October 6, 1922, the amendment was submitted to popular vote, the date being fixed for December 3 of the same year. Prior to this action the two houses of the Federal Assembly had taken action on the proposed amendment, both advising the people to reject it.

With the exception of the popular vote on the League of Nations, no initiative campaign has roused such a lively interest in Switzerland.[1] All the anti-socialist parties united in opposition to the measure; the press discussed it exhaustively; public meetings were held in every nook and corner of the country; and campaign posters covered every blank wall, being used more extensively than ever before. Socialist writers and orators directed attention principally to the benevolent social purposes of the tax and also pointed out the heavy burdens placed upon the masses by indirect duties. The initiative measure, they held, would compel the rich to pay in proportion to their fortunes. According to one computation not more than 24,000 persons would

[1] *American Political Science Review*, XIV, 477 (Aug., 1920).

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have been subject to the proposed tax, being only 3.5 per cent of the present number of impost tax payers and one-half of 1 per cent of the total population.

Those who opposed the tax urged that it was only a beginning, to be followed in case of success by further levies on properties as low as 25,000 francs or even upon savings accounts down to 5000 francs. Acceptance of the initiative, they agreed, would ruin Swiss industry, increase unemployment, paralyze the impulse to save, drive capital out of the country, and destroy its credit abroad. That the whole scheme was hatched in bolshevist Moscow was also widely asserted in popular argument.

The result of the vote was an overwhelming rejection of the proposal, unofficial figures giving 730,584 against to 109,484 for the amendment. Not a single canton was carried by the proponents of the measure. In some cantons the number who voted for the initiative was lower than the number who signed petitions in its favor. It is estimated that 85 per cent of the qualified electors voted on this measure, the highest percentage ever recorded on a Swiss initiative. In Swiss legislative elections the Socialists usually cast 180,000 ballots. It is evident that on this vote many of the adherents of the party deserted to the opposition. Never has the party been so overwhelmingly beaten and its prestige must suffer accordingly. On the other hand it would be fallacious to assume that the tremendous negative vote of December 3 implies any intention on the part of the Swiss people to abandon their policies of social insurance.

ROBERT C. BROOKS.

Swarthmore College.

The Constitution of Latvia. Following the lead of other recently created nations of Europe, Latvia has promulgated a constitution. This new republic came into the world of nations on November 18, 1918, when it proclaimed its independence, although its government was not formally recognized by the United States until July 27, 1922. One year previous to this, on September 22, 1921, Latvia became a member of the League of Nations. After the independence of Latvia had been proclaimed, a constituent assembly was convened, and it was this body which drew up the new constitution. It was adopted

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February 15, 1922, and became law on June 30.[2] Elections under the new organic law were held October 7 and 8, and the newly elected parliament met November 7 of the same year.[3]

The constitution contains 88 articles, grouped into seven sections. It contains only 3,300 words. Section 1, after stating that "Latvia is an independent democratic Republic" and that "the sovereign power of the Latvian state belongs to the people of Latvia," proceeds to give the territorial boundaries of the state and to describe the national flag. Section 2 deals with Parliament, and explains that there shall be a Parliament or Saeima consisting of one hundred representatives of the people. There is to be no second chamber. The Saeima is elected on the basis of proportional representation, and there is universal, direct, secret suffrage for both men and women over twenty-one years of age. Any person of age may be elected to Parliament, and parliamentary elections take place every three years unless a dissolution has taken place previously. Elections are held on two days, one of which shall be Sunday, and Article 13 requires that "the Saeima shall assemble not later than one month after its election."

Section 3 deals with the President of the state, and provides that he is to be elected by Parliament for a three-year term. He must be over forty years of age and cannot hold office for more than six consecutive years. Provision is made to prevent deadlocks between the President and Parliament by giving the President the right to dissolve Parliament, and by giving Parliament the right to recall the President. If the President is defeated in the elections following a dissolution, he is considered as having resigned. Article 52 states that "the Speaker of the Saeima shall take the place of the President of State, should the latter be outside Latvian territory, or in any other way prevented

[2] An English translation of the constitution of Latvia appeared in *Current History*, XVII, 486–489 (Dec., 1922). It is a very free translation and is not without inaccuracies. The following changes based on an official translation furnished by the Latvian legation, should be noted. The introductory sentence is omitted: "The people of Latvia, through their freely-elected Constituent Assembly, have adopted the following Constitution." Also in Article 73 after the words "conclusion of peace" the following words should be inserted: "proclamation and termination of the state of exceptional law." Article 85 should read: "In Latvia shall exist courts of law, with juries, on the basis of a special law." Other minor changes could be mentioned but they are unimportant. The constitution in the original can be found in *Collection of Laws and Government Orders*, No. 12, August 7, 1922 (Latvia).

[3] In the *Berlin Vorwärts* of October 24, 1922, the result of the election to the first Lettish Parliament is given.

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from carrying out the duties of his office." Except when he proposes a dissolution or when he invites a person to form a ministry, the President has no political responsibility.

Section 4 provides for a Cabinet which is responsible to the Saeima for carrying on the government. Interrogations may be put to Cabinet minister and they are required to answer. Ministers are not required to be members of the Saeima, but have the right to be present at its meetings. Other responsible state officials authorized by a minister also have the right of participating in the sessions of the Saeima and of submitting amendments to bills.

Section 5 provides a system of initiative and referendum for all national laws excepting matters concerning the budget, treaties, mobilizations, taxes, loans and customs dues, military service, and the declaration of war, commencement of hostilities, and the conclusion of peace. The people have the right to propose and vote on constitutional amendments if they so desire, but ordinary amendments are made by a two-thirds vote of the Saeima without reference to the people. Sections 6 and 7 deal with courts of justice and state control. No mention is made of racial or religious guarantees, and no system of local government is set up.[4]

JAMES K. POLLOCK, JR.

Harvard University.

American Influence on Political Thought in Czechoslovakia. It would not be difficult to find in the political development of the Czechoslovak nation instances of the influence of American political principles, and a careful study of the subject would soon produce large results. This is quite natural in the case of a nation which is counted among those having the highest intellectual development in Europe, which has an old political tradition but at the same time has been badly oppressed by the Habsburg régime, and which is a nation sending every year a comparatively large number of emigrants and political refugees to America, a large proportion of whom continue to carry on a lively intercourse with their fatherland and even return in after years to their homes in the old country.

Even the first Czech political thinkers gave, in their works, many indications of an American influence, and if we read what Charles Havlicek, who died in 1854 after a cruel persecution by the Austrian

[4] In Latvia there is very little reason why racial or religious difficulties should arise, since the large majority of the population are Letts and belong to the Lutheran Church.

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reaction, wrote in his newspapers, *Prăzské noviny* and *Slovan*, during the years from 1848 to 1850, we may easily find traces of American political thinking. Naturally, Havlicek was very much on his guard and avoided any direct allusion to America, a necessary precaution in a period which was still groaning under the régime inspired by Metternich. But nobody among Havlicek's readers could fail to feel the new political spirit in his contributions to these newspapers. The unusual conception of modern citizenship, of governmental responsibility, and of the political constitution, in these numerous articles seem to point directly to an American source. This is shown especially in his series entitled "Communities, Crownlands and the State" (published in *Slovan* in 1851), in which he gives his conception of a federal and democratic reorganization of the Austrian state.

Even a superficial glance at the headings of the Havlicek newspapers (say, for instance, *Slovan*, beginning with 1850), gives ample evidence of the famous journalist's spiritual relationship with the American political atmosphere. The following articles of that year may be cited:

1. Political freedom of the citizen (Samospráva občanská) (p. 193).
2. Laws of communities in the United States of America (Zrizeni obecni v Soustáti americkém) (p. 332).
3. What is a constitution (Co je vlastine konstituce) (p. 429).
4. Sir Robert Peel (dealing with George Canning's policy towards America) (p. 526).
5. United States of America (Soustáti Sever. Ameriky) (p. 530).
6. Slavonic literature in the United States of America (Slovan lit. d. Sever. Americe) (p. 662).
7. Franklin and his policy (pp. 714, 756, 888).
8. Zachary Taylor and Millard Fillmore (p. 780).
9. Statutes (Charters) of the towns under the constitution (Mestský stav v konstituci) (p. 850).
10. The laws of the English colonial empire and the American Declaration of Independence (p. 1064).
11. Is it admissable to fix the rights of citizens according to taxes paid by them (p. 1160).
12. In addition, systematic political news from America was published in every issue of the paper under the heading, "Political news from abroad."

What a new spirit, what a proud selfconscious voice is expressed in these articles! Although very moderate in their tone, the articles produced on the Austrian government a very unfavorable impression,

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and it was especially because of these articles about "Communities" that Havlicek was deprived of his personal freedom until his death by fever in a Tyrolese fortress.

The second important intermediary between American and Czech political culture is the Czech political refugee, Charles Jonas, who began his career in the seventies of the nineteenth century, and who published, as long ago as 1880, a book on *The American Constitution and Freedom* in the Czech language. On the basis of this publication it could even be maintained that the Czechs were among the first in Europe to possess printed books on that subject. It is clear that this work exerted a profound influence in Czechoslovakia, especially in a time of such rapid political development as the last years of the nineteenth century in Austria.

The programs and the history of political parties in Bohemia and Moravia reveal many phenomena similar to those in America: the simplifying of political partisanship, the growing distaste with regard to theoretical political issues, the gradually increasing sense of reality in politics—so exceptional with the Slav nations,—and the progressing emancipation of the Czech nation from political dogmatism, reminding one of the American formula, "Indifference to every dogma is our only dogma." All these results flowed from the spiritual intercommunication between America and Czechoslovakia, and it was in connection with these principles that many a serious struggle in the development of Czech political thought was fought in the last years of the nineteenth and the first years of the twentieth centuries.

Another of the channels communicating the influence of America to Czechoslovakia is the always larger and deeper connection between Czech and Slovak journalism in America and that in Bohemia, as well as the mutual relations between the "Sokol" gymnastic organizations on both sides of the ocean. These connections have always been numerous and their political influence incontestable. Their importance seemed very dangerous to the Austrian government, which even before the entrance of America into the war introduced a severe control over every kind of communication between the United States and the Czech and Slovak countries in Austria, and many a persecution of the Czechs and Slovaks during the war was based on letters coming from America to their relatives. Men like Pelant and Tvrzický were the most prominent representatives of Czech journalism in America. Their influence in Czechoslovakia and their American traditions are well known.

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The close relations of Professor, now President, Masaryk with America have doubtless added much to the development of the political tradition in Bohemia, and Masaryk's entire political career shows clearly how the study of American principles of constitutional freedom has influenced him. One needs only recall how efficiently he made propaganda for the "American system" as a lecturer at the university in Prague, as well as when a candidate for the late Austrian Parliament and later as Czech representative in that Parliament. His vehemence against dogma in every field as well as his dauntless fighting for an enlightened, morally rejuvenated, and self-conscious nation had given rise to many an internal political and intellectual struggle, and it cannot be denied that he has been one of the men who have caused a very fruitful and perhaps a most effective political regeneration in Czechoslovakia. He had a great many personal acquaintances in America and continued active personal connections with the political life in that country, and the systematic study of the American Constitution and American political and social life was always one of the objects of his university career.

The delivery of the nation from Habsburg subjection and the reconquest of political independence have given to President Masaryk an exceptional opportunity to incorporate his principles of democracy and freedom into the constitutional charter of the new state. In this he has been effectively assisted by the rank and file of the Czecho-Slovak nation, which shows how generally those modern principles have been accepted there in consequence of a long and thorough education in them during the course of the past half-century. As a result we have the Constitutional Law of February 29, 1920, which shows in many points a great likeness to the American constitution, and especially in the form of its introduction. The solemn declaration placed before the main paragraphs of the former document reminds one of the preamble to the latter. The introductory passage runs as follows: "We, the Czecho-Slovak nation, desiring to form a more perfect union of our people, to establish the reign of justice in the Republic, to assure the peaceful development of our Czecho-Slovak home land, to contribute to the common welfare of all citizens of this State and to secure the blessing of freedom to coming generations, have in our National Assembly this 29th day of February, 1920, adopted the following Constitution for the Czecho-Slovak Republic; and in doing so we declare that it will be our endeavor to see that this Constitution, together with all the laws of our land, shall be carried out in the spirit

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of our history as well as in the spirit of those modern principles embodied in the idea of self-determination, for we desire to take our place in the Family of Nations as a member at once cultured, peace-loving, democratic and progressive."

What is still more in point, it would be very easy to find in the body of that great document of Czech history, several instances of a direct influence from famous American constitutional principles, which have met the test of more than a century in the United States. The most eloquent testimony of this is given in an article dealing with this constitutional law written by the authors of the original proposal of the Czecho-Slovak constitution, Professors Hoetzel and Weyr, in the spring issue (1920) of the *Czech Annals for Juridical and Political Sciences* (*Sbornik ved pravnich a atatnich*). The same conclusion is suggested by another article, written as an introduction to a brochure about the Czecho-Slovak constitution by Professor Hoetzel.

It is only natural that since 1918 the development of political life in America should have been followed with increased interest in Czechoslovakia. Not only have the intellectual and personal connections between the countries been strengthened during and after the war, but the freedom which Bohemia has regained affords the opportunity now to manifest this interest freely. The new constitutional basis of the state, and especially the historic service done by America and President Wilson to the cause of Czechoslovak independence, ensure a cultural interdependence between Czechoslovakia and America in their political development.

VACLAV PARTL.

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NEWS AND NOTES

Personal and Miscellaneous

EDITED BY PITMAN B. POTTER

University of Wisconsin

Professor Frederic A. Ogg has been on leave of absence from the University of Wisconsin during the second semester of the past academic year. Professor Ogg is traveling in Europe and making a study of post-war constitutional and political conditions there; he will return to this country in time for a visit to the Institute of Politics at Williamstown, the meeting of the National Conference on the Science of Politics in Madison, and the opening of the university in September.

The twenty-seventh annual meeting of the American Academy of Political and Social Science was held May 11 and 12, 1923, in Philadelphia. The general subject of the meeting was America's relation to the European situation, and papers were presented dealing with the financial, the political, and general cultural and ethical aspects of the problem. Addresses were made by various members of the American Political Science Association.

The Governmental Research Conference of the United States and Canada held its eighth annual meeting in Minneapolis, June 13 to 16 inclusive.

Professor Henry Jones Ford has retired from active teaching in Princeton University to become professor emeritus. Professor Ford returned from abroad in May after completing his book on representative government which is soon to be published by Henry Holt and Company.

Professor Isidor Loeb has been serving for several months as acting president of the University of Missouri.

The fourth annual meeting of the Southwestern Political Science Association was held at Southern Methodist University, Dallas, Texas,

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April 2–4, 1923. The three days' sessions were devoted to sections on public law, international relations, history, government, nominating systems, economics, and sociology. History was added to the other social science groups in the association and an amendment to the constitution was adopted changing the name to "The Southwestern Political and Social Science Association" and the name of the *Quarterly* to *The Southwestern Political and Social Science Quarterly*. Officers elected for the ensuing year are: president, Mayor E. R. Cockrell, Fort Worth; vice presidents, reëlected, G. B. Dealey, Dallas, Texas; F. F. Blachly, University of Oklahoma; D. Y. Thomas, University of Arkansas; elected members of the executive committee, E. T. Miller, University of Texas, and Walter Pritchard, Louisiana State University. Professor Herman G. James of the University of Texas was reëlected editor of the *Quarterly* and Mr. Frank M. Stewart of the University of Texas was reëlected secretary-treasurer and editor in charge of the *Quarterly* until Professor James's return to the university. Members of the advisory editorial board of the *Quarterly* were reëlected as follows: Professors Blachly and Thomas, and C. F. Coan, University of New Mexico, M. S. Handman, University of Texas, and G. P. Wyckoff, Tulane University of Louisiana. The place for the next annual meeting will be selected later by the executive committee.

Professor Edwin A. Cottrell of Stanford University was elected a member of the city council of the city of Palo Alto, California, at the municipal elections held in May.

Professor Jacob Van der Zee of the State University of Iowa, is teaching during the summer session at the University of Washington.

Professor C. G. Haines of the University of Texas is giving courses in American national government and international law in the summer session at Northwestern University, and Professor A. R. Ellingwood of Lake Forest University is giving courses in international relations.

Dr. Raymond Leslie Buell of Harvard University is giving courses in international relations and constitutional law in the summer session of the University of California.

Mr. Walter E. Sandelius, who was appointed to an instructorship in political science at the University of Kansas last February, has been

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reappointed for the year 1923–24. Mr. Sandelius is a graduate of the University of Idaho and has very recently completed his work at Oxford under a Rhodes Scholarship.

Professor R. M. Story of the University of Illinois is giving courses in American government at the University of Minnesota during the summer season. Dr. Clarence A. Berdahl, also of the University of Illinois, is teaching during the summer quarter at Ohio State University, giving courses in American national government and in American and European municipal government.

Professor Henry R. Spencer, head of the department of political science at Ohio State University, has been spending the spring and summer terms in Europe, where he has been making studies and observations of political conditions, especially in Italy, Switzerland, and France. He will return to his work at Ohio State in September.

Dr. Edgar Dehn and Mr. C. A. Hallenbeck are newly added instructors in the department of political science of the Municipal University of Akron. Dr. Dehn is a Russian by birth and took his doctor's degree in political science at the University of Göttingen. Mr. Hallenbeck comes from the graduate school in New York University. Professor Earl W. Crecraft is head of the department.

The semi-annual meeting of the Academy of Political Science was held at the Hotel Astor in New York City, May 9–10. Among the topics discussed were: "The Permanent Court of International Justice," "The Research Program of the American Law Institute and the Coöperation Desired from Economists and Political Scientists in the Task of Restatement and Clarification of the Law," "The Improvement of the Criminal and Civil Law and Procedure," "The Law's Delays —Causes and Remedies," "Administrative Problems in the Enforcement of the Law."

Dr. William H. George of the University of California at Los Angeles is working this summer with the Hoover collection of war materials at Stanford University. Dr. George is preparing a work on French political theory.

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Professor John C. Dunning of Brown University, who has been spending his sabbatical year in France and Germany, is returning via the Orient and plans a stay of several weeks in Japan.

Professor J. P. Senning, chairman of the department of political science at the University of Nebraska, has been granted a year's leave of absence.

Dr. Lloyd M. Short, Municipal University of Akron, has been appointed assistant professor of political science and public law in the University of Missouri. He is spending the summer at the Institute for Government Research, Washington, D. C.

Professor Arnold B. Hall of the University of Wisconsin gave courses in public law at the University of Chicago during the first term of the summer quarter.

Of special interest to students of political science were lectures by Hon. Henry H. Curran (Republican candidate for mayor of New York, 1921; president of the Borough of Manhattan, 1920–1921) on practical politics, given at several universities in the middle west during the spring. The lectures included such subjects as: "Our Indifference to Politics," "Why We Are Needed in Politics," "What It's Like to be in Politics."

Professor Quincy Wright of the University of Minnesota has accepted an appointment in the department of political science of the University of Chicago, as professor of international law.

Professor Kenneth Colegrove of Northwestern University is giving courses in American national government and comparative government at the summer session of American University, Washington, D. C.

Dr. Ralph S. Boots, assistant professor of political science in the University of Nebraska, is giving courses in the summer session at the University of Texas.

Dr. John M. Gaus, associate professor of political science at Amherst College, has resigned in protest against the forced resignation of President Meiklejohn. For the same reason, Professor Thomas Reed

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Powell, who during his sabbatical leave from Columbia University was to have been professor of political science ad interim at Amherst, has also resigned. Professor Powell has recently been designated Ruggles professor of constitutional law at Columbia.

Dr. L. S. Rowe, former president of the American Political Science Association, returned to the United States on June 25, after attending the Fifth International Conference of American States, as a delegate of the United States. At the close of the conference Dr. Rowe visited Argentina, Paraguay, Uruguay, and Brazil.

Mr. James K. Pollock, Jr., graduate student and assistant in government at Harvard, has accepted an appointment as instructor in political science at Ohio State University.

Professor Munro Smith is on a year's leave of absence from Columbia University. At the same institution, Dr. Arthur MacMahon has been appointed assistant professor of government, and Dr. Hessel E. Yntema assistant professor of Roman law and comparative jurisprudence.

Mr. Howard White, who has been for three years assistant in political science at the University of Illinois, has accepted an appointment as assistant professor of political science at Ohio Wesleyan University. Mr. E. H. Ketcham, also graduate student and assistant at Illinois, will continue on the political science staff of that institution. Both are just completing the work for the doctorate.

Dr. Walter R. Sharp of Washington and Lee University, and Mr. J. P. Harris, now a graduate student and assistant at the University of Chicago, have accepted appointments as instructors in the department of political science in the University of Wisconsin. Dr. Sharp will give courses in American government and politics, and Dr. Harris' work will lie in the field of public administration.

Professor Joseph B. Lockey of the University of California at Los Angeles is teaching courses in international law, Latin American history, and international relations in the summer session of the Peabody Teachers' College.

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News comes that all educational work in Porto Rico has grown rapidly during the current year and that the department of history and social science of the university has increased largely in numbers likewise, until more than two hundred students of collegiate grade were taking such courses and until Professor Cutler, who is in charge of the work, was meeting classes nineteen hours a week. The university trustees have now arranged to lighten Dr. Cutler's load by dividing the department, leaving him in charge of the history work, and engaging another man to teach social science, including economics, political science, and sociology. Professor Cutler will thus be able to offer courses for graduate students as well as for undergraduates.

The California legislature, just adjourned, passed a law requiring all students in public and private educational institutions in the state to receive instruction in the Constitution of the United States, and in American institutions and ideals. Professor Marshall F. McComb of the Los Angeles bar and of the University of California at Los Angeles, is preparing a course on "The Evolution and Meaning of the American Constitutional System," in order to meet this requirement. Students taking courses in comparative government or American government are not held to this requirement.

Professor P. Orman Ray of Northwestern University is giving two courses in American government at the summer session of the University of Southern California.

Professor Cephas D. Allin of the University of Minnesota is visiting professor at Stanford University during the summer quarter of 1923. He is giving a course in political theory and one in government and politics of the British Empire. Professor Victor J. West is also in residence and is giving one course in legislatures and legislation and one in political parties.

Dr. Raymond Moley, director of the Cleveland Foundation, formerly of Western Reserve University, has been appointed associate professor of government in Barnard College of Columbia University. Dr. Moley will give courses in American and European government and general political science.

Mr. Ivan Stone has been appointed instructor in political science at the University of Nebraska for the year 1923–24.

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Professor C. A. Dykstra of the University of California at Los Angeles has been appointed a member of the board of public service commissioners of Los Angeles by Mayor Cryer.

The department of political science of the University of Chicago is conducting a field investigation of non-voting in Chicago. The work, which is in charge of Dr. Harold F. Gosnell, is a part of the program of research of the social science departments to which reference was made in the last issue of the *Review*.

Mr. C. C. Hubbard, instructor in political science at Williams College, has accepted a position for the coming year at Brown University.

Mr. Thomas S. Barclay of the University of Missouri has been granted a leave of absence for the first semester, 1923–24.

Professor Charles E. Martin of the University of California at Los Angeles is spending a large part of the summer in Mexico. He is engaged in collecting documents dealing with the Mexican revolution from 1910 to the present time, preparatory to writing a book on this subject. He will teach at the University of Texas during the second term of the summer session there.

Professor S. Gale Lowrie, who is on leave from the University of Cincinnati, gave a course of lectures on constitutional government during the first semester at Tsing Hua College in Peking. The second semester he is lecturing at Canton Christian College at Canton, China.

Professor R. E. Cushman, of the University of Minnesota, has accepted an appointment as professor of political science at Cornell University.

Dr. Graham H. Stuart, now assistant professor of political science at the University of Wisconsin, has been appointed assistant professor of political science at Stanford University, beginning with the academic year 1923–1924. Professor Stuart's work will lie generally in the field of international relations, with courses in international organization, conduct of foreign relations, current international problems, and the League of Nations.

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Dr. Rodney L. Mott, of the University of Minnesota, and Mr. Jerome G. Kerwin, now teaching at Dartmouth College, will be added next year to the staff of the department of political science of the University of Chicago as instructors.

Professor Dayton Voorhees of the department of history and politics in Princeton University has been granted leave of absence for the next academic year and will spend a part of the time in research in France. Mr. John Colt of the same department has been promoted from instructor to assistant professor.

Professor Walter J. Shepard of Ohio State University has accepted an appointment as professor of political science in the newly founded Graduate School of Economics and Government in Washington University at St. Louis. He will begin his work there in September.

The 1923 prizes of $150 and $100, respectively, in the Harris political science essay contest open to undergraduates of colleges and universities in Illinois, Indiana, Michigan, Iowa, Wisconsin and Minnesota, have been awarded as follows: first prize to Wilber G. Katz, University of Wisconsin, "The Direct Primary and Party Responsibility in Wisconsin;" second prize to Bruce E. Lehman of the University of Minnesota, "Practical Workings of County Boards as Illustrated by the County Boards of Hennepin County, Minnesota;" honorable mention to C. Y. Shill, a Chinese student at the University of Minnesota, "The Manchurian Question, a Phase of the Washington Conference."

The following are the subjects offered for the competition in 1924:

(1) American policy in Haiti and the Dominican Republic, or in Central America.

(2) Congressional control of national elections.

(3) Recent variations from the two-party system, such as (a) the third party movement in Canada, (b) the agricultural bloc in Congress, (c) the Non-Partisan League, or (d) coalition government in Great Britain.

(4) Upper chambers in cabinet-governed countries.

(5) Comparative analysis of the political leadership of (a) Roosevelt and Wilson, or (b) Lloyd George and Asquith, or (c) Disraeli, Gladstone, and Salisbury.

(6) State administration and control over local administration in a particular state, with reference to a specific field of government, such as (a) public utilities, (b) finance, (c) health, (d) education.

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(7) Problems of civil service administration (national, state, and local), such as (a) qualification, selection, and tenure of civil service commissions, (b) organizations of public employees, (c) methods of discipline and removal, or (d) classification.

(8) Practical workings of the direct primary in a particular state.

(9) State police systems in the United States.

(10) Practical workings of county boards in a particular state or county.

(11) Status of the British Dominions in international affairs, (a) in general, or (b) with reference to a particular Dominion.

(13) Some phase of American-Japanese diplomatic relations.

(12) Recent phases of ministerial responsibility.

(14) The press as a factor in a particular presidential campaign.

(15) Proposed modifications of the power of the courts to declare laws unconstitutional.

(16) A study of the practical workings, in a particular state, of one of the following offices: (a) justice of the peace, (b) local prosecuting attorney, (c) sheriff, (d) coroner.

(17) Some particular phase of city planning, e.g., zoning, financial, etc.

(18) Relations of the United States and Colombia since 1900.

(19) Federal aid in the field of state activities, either (a) in general, or (b) in some specific field.

(20) State legislation under the concurrent-jurisdiction clause of the Eighteenth Amendment.

On July 14 the Academy of International Law at The Hague was inaugurated in the Palace of Peace under the auspices of the Netherlands government and in the presence of representatives of the governments of the members of the League of Nations, of leading international institutions, university men, members of the bar, and representatives of the press. On July 16 courses of instruction were opened. The Academy is to constitute a center of advanced study in international law and diplomacy and is to be conducted by the leading jurists of all countries by means of lecture courses and seminaries. The sessions of the Academy are to be held each summer from July to October. Admission to the Academy is to be granted under the supervision of an administrative board on very liberal terms. Fees are to be reduced to a minimum and every effort is to be made to perform a maximum of service to the cause of international organization and peace. Further information may be obtained by communicating with the Carnegie Endowment for International Peace at Washington.

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The third annual conference on Municipal Leadership under the auspices of Stanford University will be held July 29 to August 4, 1923. The director of the conference and of the summer school for secretaries is Professor Edwin A. Cottrell of the department of political science. He is assisted in the arrangements by a committee chosen from the civic secretaries of the state. The topics for discussion include municipal finance, city planning, municipal charters, public works, industrial development, publicity, exhibits, community chest, and business and government. It is expected that the attendance this year will be larger than in the two previous conferences and that the value of the session will be more thoroughly demonstrated than ever before.

The Social Research Council, which was recommended by the Committee on Political Research at the last meeting of the American Political Science Association, completed its permanent organization on May 17, after a preliminary meeting on February 24. The Council is composed of Professors Wesley C. Mitchell of Columbia University and Horace Secrist of Northwestern, representing the American Economic Association; F. Stuart Chapin of the University of Minnesota, J. L. Gillen of the University of Wisconsin, and E. C. Hayes of the University of Illinois, representing the American Sociological Society; and Charles E. Merriam of the University of Chicago and Robert T. Crane of the University of Michigan, representing the American Political Science Association. The American Historical Association has not yet joined the Council, but pending further consideration of the question at its next annual meeting, the president has appointed Professors J. Franklin Jameson of the Carnegie Institute, Washington, D. C., and Charles H. Haskins of Harvard University as representatives for purposes of conference and consultation. Professor Charles E. Merriam was chosen chairman of the Council and Professor Horace Secrist was made secretary. The Council has undertaken the formulation of three projects, upon which it is hoped to secure concurrent action of the associations represented. These projects are:

1. The development of a system of abstracting and indexing current material in the field of the social sciences, including books, periodicals, and documents.

2. Consideration of a survey of the organization and work of the existing research agencies in social science.

3. A memorial to Congress presenting a request for the publication of an annual digest and index of state legislation, similar to that pre-

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viously prepared by the New York State Library. At the request of the National Research Council, the Social Research Council also took part in a conference at Washington on March 29. The subject of this conference was "The Comprehensive Study of Human Migration," now being planned by the National Research Council operating through three sub-divisions—the psychological under the direction of Dr. R. M. Yerkes, the biological under Dr. Frank R. Lillie, and the sociological under the direction of Miss Mary Van Kleeck.

The California Academy of Social Sciences held its second meeting at Stanford University April 20 and 21. The sessions were taken up chiefly with the adoption of a constitution and of a program of work. The Academy resolved to carry on an investigation of (1) the operation of the California constitution, with reference to the advisability of a thorough revision; and (2) the revenue system of the state, with reference to the immediate problem of meeting the expanding governmental needs. These two problems were presented to the Academy by Professor Edwin A. Cottrell of Stanford University and by Mr. Herbert C. Jones, a member of the California senate from Santa Clara County. New officers for the Academy were elected as follows: president, Professor Charles E. Martin of the University of California, Southern Branch; first vice president, Professor Edward M. Sait, University of California; second vice president, Dr. John R. Haynes, of Los Angeles; secretary-treasurer, Director Ernest C. Moore of the University of California, Southern Branch. The executive committee is made up of these four and the following: Professor Rockwell D. Hunt of the University of Southern California, President Emory C. Ratcliffe of the Fresno State Teachers' College, Hon. Chester H. Rowell of Berkeley, Mr. Paul Scharrenberg of San Francisco, and Professor Victor J. West of Stanford University. The next meeting of the Academy will be held in Los Angeles in the fall.

The first annual meeting of the National Conference on the Science of Politics will be held in Madison, Wisconsin, September 3–8, 1923, under the auspices of a committee consisting of the following persons: Professor Arnold B. Hall, University of Wisconsin, chairman; Dr. Luther Gulick, National Institute of Public Administration, secretary; Dr. F. P. Gruenberg, Bureau of Municipal Research of Philadelphia; Professor A. N. Holcombe, Harvard University; Professor C. E. Merriam, University of Chicago. The purpose of the conference is to investigate

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the possibility of developing and employing more scientific methods for testing the theories and hypotheses of current political science. The discussions will therefore be devoted almost entirely to problems of technique and methodology. The conference will be conducted in the form of round table discussions, each round table being in charge of a prominent student of political science. Each member of the conference will be assigned to one of the round tables and will be expected to attend that round table during the entire week. Daily meetings of the round tables will be held. There will be a general session each day in which round tables will report results of their deliberations. It is hoped that at the end of the conference some tentative conclusions respecting methods of research in politics may be formulated. The following round tables have now been arranged: (1) Political Psychology, Professor C. E. Merriam, University of Chicago; (2) Survey Methods and Psychological Tests in Civil Service, W. E. Mosher, Bureau of Municipal Research, National Institute of Public Administration; (3) Research in Public Finance, Dr. F. P. Gruenberg, Bureau of Municipal Research of Philadelphia; (4) Legislatures and Legislative Practice, Dr. H. W. Dodds, National Municipal Review; (5) Political Statistics, L. D. Upson, Detroit Bureau of Governmental Research; (6) Public Law, Professor E. S. Corwin, Princeton University; (7) Nominating Methods; (8) Formulation and Testing of Political Theory; (9) International Organization, Professor Pitman B. Potter, University of Wisconsin. The University of Wisconsin has placed seminar rooms in the university library at the disposal of the conference, and Barnard Hall, the university's best dormitory, will be open to members of the conference at $1.00 a day. Married couples may be accommodated in Barnard Hall at similar rates. A local committee on entertainment will provide various interesting features for members of the conference who may desire to take advantage of the pleasures of the lakes and other resources of Madison as a summer resort. Further information may be obtained from Dr. Walter Thompson, South Hall, University of Wisconsin.

The Teaching of International Law to Law Students. A point to be noted at the outset, in any discussion of the teaching of international law to law students, is the relatively unimportant place which the subject occupies in the law student's program of study. The students in our law schools are tolerant of the interest which others manifest in international law. Indeed they are themselves greatly interested.

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They concede freely that it occupies an important place in the general scheme of things. But most of them feel that professional students cannot afford the time for even an introductory course. It results that courses in international law included in law school curricula are usually elected by a comparatively small group of students, while courses offered in the departments of political science and open to law students are not likely to be elected by any law students at all.

This reflection of attitude and interest in the election of courses is easily explained. In the first place, it is of some importance that international law is not a bar examination subject. It is only natural, when students are required to make a choice between electives, that many of them should incline to choose those subjects in which they will be required to stand an examination before admission to practice. In the second place, it is undoubtedly of much greater importance that an opinion prevalent among law students regards international law as an impractical subject. There is relatively little likelihood, of course, that many of our young intending attorneys, when admitted to the bar, will ever be called upon to advise upon significant international questions. They feel this. Conceding that cultural studies are appropriate enough in an undergraduate's program, they feel that in preparing for their profession it is desirable to elect as many as possible of the strictly professional subjects. In the third place, this opinion that the subject is an impractical one for the professional student is greatly intensified in its effect by the crowded condition of law school curricula. Most good law schools are offering enough of the strictly professional courses to keep students engaged for at least four years. Only a small number of the students remain more than three years. Finally, it should not be ignored that international law is intrinsically no more interesting to law students than many other subjects—for example, equity, constitutional law, labor law, or conflict of laws—any one of which promises more in the way of training and information likely to be useful in actual practice.

Where no course in international law is offered in the law school, but courses are open in the department of political science, everything that has been suggested above will of course operate to discourage the election of the subject by law students. And in addition there will be other factors of which account must be taken. The college class-room in which many of the students are younger, less mature, and probably less earnest, will be unattractive to the student fresh from the business-like environment which is created by a professional school. From the

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professional student's point of view, the method of instruction in the college class-room may be especially unsatisfactory. If courses are conducted by the lecture and quiz method, the law student's interest will stand at zero at the end of the first hour. If they are conducted by the discussion of problems, the law student will feel more at home; but the difference between his viewpoint and interest and the viewpoint and interest of the rest of the class will make it somewhat difficult to find common ground for discussion. Consider, by way of illustration, the case of *The Prometheus*, a case which is no doubt familiar to all teachers and students of international law. There was a dispute about a charter-party stipulating that in case of war the steamer should not be required to carry contraband. Sir Henry Berkeley wrote a long and a very interesting opinion. Quite naturally the student of political science will be chiefly interested in discussing what was said about the nature and definition of contraband, the right of a belligerent state to make unprecedented additions to the contraband lists, or the nature and efficacy of international law. The law student, on the other hand, having ascertained that the charter-party was executed at Hong Kong in British jurisdiction, will be chiefly concerned to find out how British courts have been accustomed to define contraband. He is likely to dismiss the rest of the court's opinion as mere obiter dictum.

For the reasons suggested above, and perhaps for others which are local in character, a course in international law for law students is likely to be elected by a relatively small group which is made up of elements in some respects unique. If the school attracts foreign students, it is safe to assume that most of them will sooner or later be found in this course. If there are graduate students in law and the course is made worthy of their interest, most of the number will be attracted by the subject. An occasional student will elect the course because he hopes to teach law and so feels the importance of being more broadly trained. An occasional student will take it because he expects to be interested in foreign trade or to practice near the Mexican border. And a small group of substantial students will elect it because they have become interested in the subject and would like to know more about it. In many respects the class will resemble those little groups of earnest students which frequent the seminars of our better graduate schools. While the class is likely to be small, it should be one entitled to the best the teacher is capable of giving.

It may be said, therefore, that from what may perhaps be regarded as the typical viewpoint of the law student the subject of international

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law occupies and is likely to occupy for some time to come a relatively unimportant place in the program of study. As it has been taught in most departments of political science, there is no prospect that it will be attractive to more than an occasional student from the law schools. As it is taught in the law schools, it may be expected that it will continue to appeal to a small group of students worthy of the best possible instruction. Probably the subject has an assured place only in the curricula of the larger law schools where real emphasis is being placed upon the development of graduate study in law, where real effort is being made to enlarge the cultural content of the curricula, and where there is thus assured the presence of a considerable number of students who are intent upon something more than just preparation for practice at the bar.

II

Whatever the size of the class or however heterogeneous its constitution may prove to be, the teacher who essays to present international law to law students will give a good deal of attention to questions of method. He will be working in an environment in which method is something of tremendous moment. And sooner or later the problem of method will become for him the problem of the case-method. Before considering the application of the case system in teaching international law, we should review briefly the case-method in general.

It will be conceded that any method of teaching law has at least three purposes which may be stated in the order of their importance, beginning with the least important, as follows: first, it aims to acquaint students with the bibliography of the subject, to afford them a critical introduction to the source and secondary literature; second, it aims to introduce students to the content of the subject, to give them instruction by imparting information; and third, it aims to educate them in the system of the subject by training them to recognize, value, and apply the leading principles and doctrines. The case-method of teaching law acquaints students with the bibliography of the subject by requiring them to use source materials (principally cases) with supplementary references to other cases, statutes, standard text-books or treatises, and the wealth of material to be found in the legal periodicals. It introduces students to the content of the subject by requiring them to study critically a list of select cases or other source materials so classified and arranged as to present more or less systematically the leading principles and doctrines. It trains students to recognize, value, and apply the leading principles and doctrines by requiring them, in coöperation with teacher and fellow-

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students, to extract and systematize the principles and doctrines from select cases in which they have found notable expression.

The principal apparatus of the case method is the case book. This is a carefully edited collection of select cases, supplemented, sometimes, by other materials. The case book has a two-fold purpose: it aims to present the leading principles and doctrines of the subject more or less systematically; and it aims to present them according to a plan demonstrated by the editor's teaching experience to be most effective for teaching purposes. It follows that the case book is something much more complicated than a mere collection of illustrative sources. It combines intricately the systematic exposition of the subject and a method of presenting the subject to students. It is a source book and a teacher's apparatus.

Within limits determined by the nature and scope of the subject, and in some instances by the arrangement of subjects in the curriculum, the precise content and arrangement of the case book will depend largely upon the pedagogic idiosyncrasies of the teacher who edits it. The following categories are not mutually exclusive, nor is the list complete. They are intended to suggest, in a general way, how the law teacher proceeds in selecting materials for his case book. In the first place, the case book may include cases correctly decided for approved reasons. Such cases are especially useful for the information which they impart. Their educational value depends upon the skill required to dissect and analyze them and also upon their arrangement with reference to other cases. In the selection of such cases a great deal of emphasis is usually placed upon educational value. Second, the book may include leading cases which are especially significant because they reveal the development of doctrine, or because they present discriminating analyses of doctrine, or simply because they have been epoch-making in the law's development. Third, it may include close cases on opposite sides of the demarcation lines which the law has established for reasons of logic or convenience. Such cases well arranged may combine instruction in the content of the subject with educational values of a very high order. Fourth, the book may include cases correctly decided for wrong reasons or for right reasons wrongly applied. A limited number of such cases may be used to advantage in training students to recognize, value, and apply legal principles intelligently. Fifth, it may include cases incorrectly decided for wrong reasons or for right reasons wrongly applied. Such cases, also, have educational rather than instructional value and are useful if properly balanced by materials of a different sort. Sixth,

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it may include cases incorrectly though plausibly resolved. This is a special category really within the scope of the fifth category above and controlled by similar considerations. Seventh, the book may include cases which are apparently in conflict but reconcilable upon thorough analysis. Materials of this kind, like the materials described in the third category above, are especially valuable because they combine the most useful kind of instruction in content with real education in the processes of legal reasoning. Eighth, the book may include cases in conflict. The discussion of conflicting cases, particularly if the cases are in juxtaposition in the case book, is one of the most stimulating phases of case instruction. An advantageous use and arrangement of cases in conflict is well illustrated in Kales, *Cases on Persons and Domestic Relations*.

The text of the case book should present the living law. Matter which is obsolete or of historical interest only is usually summarized, if it requires notice at all, in brief notes by the editor or in the footnotes. The footnotes may be meager or very full. Excellent case teachers do not agree about the most effective use of annotation. They all agree upon this, however, that if there is to be annotation it should be used to provide supplementary references of value, to call the student's attention to related problems, and the like, and never to provide or even to suggest the solutions which the student ought to work out for himself.

The case teacher usually employs also a more or less elaborate auxiliary apparatus in manuscript or notes which he uses in directing the discussion of the materials in the case book, in invigorating the discussion with related problems not suggested in the case book, and in keeping up to date his references on topics which are changing rapidly. This auxiliary apparatus is changed from year to year as experience with the course dictates. Its scope and content also depend much upon the pedagogic idiosyncrasies of the teacher. Not infrequently it requires as much labor to prepare a really good auxiliary apparatus as it does to prepare a good case book.

It is obvious that the preparation of a real case book worthy of preservation in permanent form is not a task to be undertaken lightly. There would appear to be at least two prerequisites. In the first place, the printed case book should be the work of a teacher actively engaged in giving instruction in the subject. Unless it is a teacher's apparatus constructed in the light of a teacher's experience, it is no case book worthy of the name. In the second place, the printed case book should be the

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mature product of the editor's teaching experience. An experienced teacher has remarked that one should give a course at least five times before attempting to get out a case book. To this excellent precept it might be well to add that one should try out an intended case book on his classes, by having it mimeographed or printed in temporary form at least five times before having it published. Unless the subject is new to the curriculum, or circumstances are otherwise exceptional, there is no longer any excuse for hastily prepared case books.

The superiority of the case system of teaching law, as compared with methods which rely chiefly upon text-books, assigned readings, lectures, and quizzes, depends largely upon its superior efficacy as a method of education in legal reasoning. As regards introduction to the literature, the case-method has no distinctive merit. The student probably retains more of what he learns about the literature of the subject in so far as he actually makes more use of the literature; but on the other hand his introduction to sources is frequently haphazard, unsystematic, and incomplete. As regards instruction in content, or the imparting of information, it may be doubted whether the case-method has distinctive merit. The student learns less about content because the method is slower and what he does learn is usually presented less systematically. On the other hand, there are evident advantages in having the student derive his information directly from the sources; and much more of what he learns will actually be retained because he has done for himself a large part of the work of extracting it from the sources.

It is in training students to do their own critical thinking, to use the raw materials of the subject intelligently, and to apply the principles extracted to new situations that the case system of teaching law is superior to other methods. As Dr. Redlich has said, in his study of *The Common Law and the Case Method* (page 39), the case system emphasizes "the training of the student in intellectual independence, in individual thinking, in digging out the principles through penetrating analysis of the material found within separate cases: material which contains, all mixed in with one another, both the facts, as life creates them, which generate the law, and at the same time rules of the law itself, component parts of the general system." The class room itself is a visible sign of the case system's emphasis. Of dry lectures and dismal quizzes there are none. The class room becomes a laboratory wherein the living law is dissected, debated, and reconstructed.

While the case system of teaching law is immeasurably superior pedagogically to any method which relies exclusively upon text-books,

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assigned readings, lectures, and quizzes, it has its defects. It has been objected that it leaves students without a general picture of the law as a whole, that they learn a great deal about trees and very little about the forest. This defect was stressed by Dr. Redlich, who recommended that the schools provide something of the nature of an introduction at the beginning of the course and something by way of integration at the end. It is the present writer's opinion that the defect has been exaggerated. One of the best ways to know the forest is to study trees; and it is hard to believe that a prolonged and intensive study of trees can leave the student without a fairly adequate general picture. Moreover, the general picture which the student thus obtains, imperfect as it may be, is likely to be truer to the facts than one neatly constructed and dogmatically present at the beginning or the end of a course of study.

It has been objected that the case system develops in the student, particularly in the more apt student, a readiness in dialectic and a skill in highly refined casuistry which is somewhat remote from the pragmatic application of law to the affairs of life. It is evident that the system may be abused in this respect. It would seem, however, that the objection indicates a danger rather than a defect and that the danger is by no means peculiar to the case system.

One of the most serious defects in the case system, and a defect of which account must be taken in applying the case-method to the teaching of international law, is the unscientific attitude toward the law's development which it tends to encourage in students. Pedagogically scientific, the case system's contribution to the development of law tends to be unscientific. If case law covered every conceivable situation, if it never changed, if the cases were all in harmony, and if the course only declared the law, there would be no substance in this criticism of the case-method. But of course the established law covers only a relatively small part of the conceivable situations; it is constantly changing; the cases on many of the most important and difficult problems are in confusion and conflict; and the courts make law as well as declare it. It results that in any first rate law school a great deal of time is given to considering what the law ought to be. There is much discussion of what the rule really means, whether it is sound, whether its traditional application is justified, how it may be applied by analogy to new situations, and which of conflicting rules should be accepted where the matter is still undetermined by precedent. Such questions receive more attention in the study of less mature and more plastic subjects like torts, equity, or constitutional law than in the more settled fields of

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contract or property law. But in all branches a great deal of the best work of teacher and student is certain to be thus directed. Through the legal periodicals, the law books written by teachers, and the students who graduate to become practitioners and judges, such work becomes increasingly influential.

The suggestion is offered that if attention to what the law ought to be were scientifically directed in the law schools, both teachers and students would find it necessary to do more than merely to expand, adapt, or develop legal doctrines by such processes of legal reasoning as courts are wont to use. The processes of legal reasoning may be appropriate enough for courts, where particular controversies have to be settled and where facts relevant to such controversies are supposed to be adequately presented. Law teachers and students, however, are not required to settle particular controversies and they are remote from the flesh and blood of controversies which the courts have settled. When they pursue a method which develops law chiefly by legal reasoning, there is grave danger that they will indulge in unscientific generalizations without an adequate knowledge of facts. Nor will it be enough to have fact-finding investigations which are confined to reported cases, for the reports present only particular sets of facts and rarely present them adequately. It is in this respect, in the present writer's opinion, that the case-method has been most deficient. Instead of systematic and intensive study of relevant social phenomena, recourse has been had to analogies, logic, to practical convenience, to justice, or to common sense, to use such words as are bandied about freely in the law school class-room. The case-method of teaching the established law is a science; but too often the case-method of arriving at conclusions as to what the law ought to be has been mere syllogistic philosophy.

III

We come now to consider the application of the case-method in teaching international law. From what has been said about the method in general, it will be apparent that there are limitations upon its availability. In the first place, there are limitations resulting from the nature of international law itself. The case system presupposes rather well established methods of judicial reasoning which may be discovered by analysis of reported cases in which they have found notable expression. International law, broadly defined, is not a system of judicial reasoning. It is extracted from customs and completed from philosophies. It is manifested in action in incidents, arbitrations, and only to a limited extent in court decisions.

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In the second place, there are limitations upon the availability of the case-method resulting from the sources of international law. The case-method presupposes that all or most of the law which it is important to consider in an introductory course has found expression in reported cases. Thus the case-method, strictly speaking, is difficult of application to the teaching of legal history, statute law, administrative law, or comparative law. Obviously it will be difficult of application to international law, only a part of which ever finds expression in reported cases. There are many interesting cases to select from in presenting such subjects as recognition, territorial jurisdiction, the immunities of diplomats, the immunities of public ships, or extradition. On the other hand, there are only a few rather unsatisfactory cases involving states as international persons or the international aspects of treaties. There are almost no really useful cases on international arbitration or the diplomatic protection of citizens abroad. The case-method of teaching international law, to be truly international, ought to make use of cases from the courts of many countries; but the availability of reported cases from the civil law countries is much limited by the lack of reports and digests and by the form in which those countries report their court decisions.

It is evident that the teacher of international law, if he is to use the case-method at all, must adapt it in some way to the peculiar nature of his subject. He may approach the problem in either of three ways. He may attempt to cover in an introductory fashion everything which has been traditionally regarded as a part of international law, using cases as illustrative material or as problems for discussion wherever good cases are available. This appears to have been the course pursued in the past in most departments of political science. It is not even remotely related to the case-method of teaching law.

In the second place, the teacher of international law may attempt to cover only as much of the subject as can be taught satisfactorily by using available British and American reported cases. By so confining the course, it is possible to use the true case-method. The writer is informed that this plan has been pursued in a few law school courses. It is possible by this plan to cover only a small part of the subject. Indeed, such a course is not international law at all. It is the Anglo-American municipal law which is applied in cases having certain international complications.

Finally, the teacher of international law may compromise, attempting, on the one hand, to save as much of the true case-method as seems to be

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warranted by the nature of the subject and the materials available, and, on the other hand, to broaden the scheme and content of the course by supplementing the usual British and American cases with selected decisions of civil law courts, excerpts from standard treatises, abridged reports of arbitrations, articles from treaties, occasional extracts from state papers, and references to historical materials. Such a compromise is difficult to execute satisfactorily. But it offers a way, if not the only way, to secure the chief pedagogic advantages of the case-method without obscuring the real nature of international law or giving the student a false notion of its sources. It affords the student an opportunity to use a variety of sources. It also gives him an opportunity to work out his own system in coöperation with teacher and fellow students. And it makes possible a classroom in which all may participate in the work of analyzing, comparing, criticising, and applying. If the teacher is alive to his responsibilities, intellectual independence and individual thinking on the part of students need never degenerate into mere dialectic and casuistry. The introduction, from the storehouses of history, of relevant facts in regard to territory, physiography, population, race, culture, resources, industries, wealth, land and sea power, laws, manners, and the like, should make it possible to discuss freely the most primitive and plastic of all branches of the law without lending countenance to barren scholasticism. If the student's notions of international law at the conclusion of such a course are somewhat lacking in symmetry, systematic arrangement, or certainty of outline, may it not be that he has a truer picture than he would have received from more dogmatic instruction?

The preparation of a case book or list of cases and readings for such a course should be at once more difficult and more interesting than the preparation of an ordinary law case book. Every teacher of international law, if possible, ought to edit his own book or list, for the case book is primarily a teacher's apparatus and should be suited to the pedagogic peculiarities of the teacher who uses it. For those who find it possible to edit their own apparatus, the writer would like to offer the following suggestions.

In using the reported cases, it will be well to make selections chiefly from cases which are reported rather briefly or which can be abridged to a reasonable length without becoming fragmentary. An especial note is made of this because it so often happens that opinions on questions of international law are long and discursive. Long, discursive opinions should be cut ruthlessly. The facts, the decision, and the

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reasons therefor must of course be saved; but it is well to delete superfluous dicta, long quotations from documents, protracted reviews of authorities, and discussions of technical points of municipal law which are unrelated to the decision on the point of international law. In general, if an opinion cannot be reduced to a comparatively few pages it is better not to use it. There are exceptions of course. But long cases do not make a case book. They make a book of readings.

In using cases on war and neutrality, nothing short of the most extraordinary vigilance is adequate to prevent an improper emphasis. The cases on war and neutrality are the curse of the case teacher. There are so many of them and they present such interesting puzzles. It will be well to make a case book on the law applicable in peace time, spending space generously, and then if space remains to put in a few cases on war and neutrality. Whatever else he may do, the editor should not get out an apparatus devoted mostly to war and neutrality and call it a case book on international law.

In selecting sources other than cases, the editor should avoid the inclusion of merely ephemeral matter. In general, he should make use of authoritative materials only, that is, materials which have served to define an important national viewpoint, or to formulate an important rule, or to establish an important precedent, or to set forth something which has really influenced the law's development. The sources used ought to be sources which are especially worthy of preservation. These materials should be arranged so that the work of analyzing, comparing, criticizing, and applying will be stimulating to the student, so that he will advance eagerly from one section to another. Repetition should be avoided. As far as possible mere illustration should be avoided. The materials may be arranged, for example, so that they will show an important development in practice, inviting comparisons and criticism. Or they may be arranged to present the two sides of a controversy, or alternative solutions for a problem. Sometimes it is possible to construct a case from them, taking a brief statement of facts from a standard treatise, the outcome from a treaty, and the reasons for the final settlement from state papers. Where several cases, thus constructed, can be brought into an advantageous juxtaposition, it may be possible to achieve something which approximates very closely to the true case system. The materials should always be arranged so that the student will be interested and so that it will be easy to challenge him to attack, defend, reconcile, or explain.

Whatever opinion one may hold about the annotation of a case book in private law, it seems clear that the vast scope of international law

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makes an abundance of annotation and citation indispensable. The primitive and plastic character of international law, moreover, makes it important that there should be frequent references to sources of information about the facts of international life. The annotations and citations, it is perhaps superfluous to add, should always be supplementary; they should never give away the answers to problems presented in the text. Mr. Pitt Cobbett's scholarly *Leading Cases and Opinions*, familiar to all teachers and students of the subject, is not a case book at all; it is a book of problems with solutions; it is a disguised text-book.

In arranging the materials to present the leading principles and doctrines of the subject, the teacher should never forget that his first obligation is fidelity to the law as it is. The case book should be a faithful exposition of international law as a contemporary system. The teacher should be vigilant to avoid creating an appearance of certainty by using as authoritative what is really argumentative. If the cases or other materials are unduly one-sided or dogmatic, it is important to appose to them or annotate them with something which will restore the balance and give the student a true picture. We cannot advance the cause of international law by inventing harmony where there is in fact discord.

Enough has been said to suggest the importance of conservatism in regard to publication. It takes a great deal of teaching experience to make a good case book. It will be well to experiment with the apparatus for a long time before attempting to put it into permanent form. The apparatus may be used in mimeograph, in multigraph, in temporary printing, or, if the class is small, simply as a list of marked cases, until there is reasonable assurance that it is not only a good apparatus for the editor, but also one which may be useful to other teachers. A very crude collection of materials is much better for the teacher who has made it than a better collection made by someone else, but it is not worthy of publication for general use.

Finally, it must be emphasized again that the case book is a personal apparatus, which should be suited to the individual teacher's own conception of the subject and his own ideas of method, and also that it is a teacher's apparatus, which should be constructed in the light of an active teacher's experience. While there may be notable exceptions, of course, the utility of new case books or of old books revised by those who are out of touch with the teaching business may be seriously doubted. In general, case books should be made only by those whose ideas of method are constantly being modified and enriched by contact with students.

EDWIN D. DICKINSON.

University of Michigan Law School.

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BOOK REVIEWS

EDITED BY A. C. HANFORD

Harvard University

The Reorganization of the Administrative Branch of the National Government. By W. F. WILLOUGHBY. (Baltimore: Johns Hopkins Press. 1923. Pp. xv, 298.)

A preliminary report on administrative reorganization was prepared by Mr. Willoughby, Director of the Institute for Government Research, and given a limited circulation in mimeographed form in the spring of 1921. The primary object of this report was to present the views of the Institute on this subject to the Joint Committee of Congress on the Reorganization of Government Departments. The present volume, which is the latest in the series of Studies in Administration published by the Institute, departs from the original report only in taking note of recent changes in administrative organization and in introducing certain alterations in the plan for reorganization as first recommended.

The book is divided into two parts. Part I is concerned with the general problem of administrative organization, and seeks to establish the imperative need for immediately effecting a thorough reorganization of the administrative branch of the national government. The fundamental principles which should guide such an undertaking are set forth, the defects in the existing organization of the national government are discussed, and an outline of the proposed reorganization of the departmental system is presented. Part II, consisting of thirteen chapters, takes up in detail the proposed changes, not only with respect to the administrative departments and independent agencies, but also with respect to Congress and the office of the President.

Before any steps are taken toward reconstruction, it is essential that a definite decision should be reached regarding the principles or fundamental character of the organization to be established. To this end, it is proposed that the following principles be given expression in a reorganized administrative system: (1) that the type of organization to be adopted should be that known as the integrated or departmental;

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(2) that a clear distinction should be made between those services which are of a purely administrative character and those which are of a quasi-legislative, quasi-judicial, or other special character, and that the attempt to apply the principle of departmentalization should only be made in reference to the administrative units; (3) that the principle of departmentalization should be one of grouping services according to their purpose or function rather than the character of activities engaged in; and (4) that each department, as far as practicable, be made unifunctional in the sense that it will embrace only those services whose special functions pertain to the general function for the performance of which the department is established.

The fundamental defects in existing organization, as seen by the writer, may be summarized as follows: (1) The attachment of purely administrative services, such as the government printing office and the national botanic garden, to the legislative rather than to the administrative branch. (2) The existence of a number of independent establishments which should be made subordinate to one of the executive departments, in order that they might have closer working relations with allied services, be subject to the overhead supervision of the head of a department, and have representation in the President's cabinet. (3) A number of the executive departments, especially interior, commerce, and labor, make no pretense of being unifunctional in the sense that the activities of their several services fall in the same general field, have to do with the performance of the same general function, or even are of a character making it desirable that the services performing them should maintain close working relations with each other. (4) A number of other departments, such as treasury, war, and navy, which in theory are supposed to be unifunctional, embrace services and perform activities which have nothing to do with their major functions. (5) The activities of the government in the fields of public works, public health, commerce, education and science, and general supply, which are now performed by unrelated services in various departments, are of so distinct a character, on so large a scale, and so certain to receive extension in the immediate future, that it is believed to be impossible to organize a system of unifunctional departments without making provision for separate departments to have these several interests in charge.

The writer is convinced that the activities of various scientific, educational, and welfare organizations in behalf of new executive departments or specific proposals for the transfer of certain services to

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other departments do not offer an adequate solution of the problem. What is required is that the entire organization of the administrative branch of the government shall be considered as a whole and at one time. The latter task has been performed by Mr. Willoughby, and his recommendations are presented in outline form in Chapter III of the present volume. The general nature of these proposals may be characterized briefly as follows: (1) Administrative services now under the direct control of Congress have been transferred to the administrative branch and have been grouped with services of the latter branch whose operations fall in the same field. (2) All independent establishments engaged in the performance of distinctly administrative duties have been given a place in some one of the executive departments. (3) Certain services now in the departments have been given the status of an independent agency because they are not functional services, that is, they do not render services to the public. (4) All of the departments provided for are of a strictly unifunctional character.

Many of the specific changes proposed, which are discussed in detail in succeeding chapters, have much to commend them and, no doubt, will receive serious consideration from those having responsibility for action. From the standpoint of students of administration, however, the chief merit of the book, and one which gives it permanent value, is the clear and concise presentation of the fundamental principles which should govern the administrative organization of the national government, or, for that matter, any government.

LLOYD M. SHORT.

Municipal University of Akron.

John Randolph of Roanoke. By WILLIAM CABELL BRUCE. (New York and London: G. P. Putnam's Sons. 1922. Two volumes. Pp. viii, 661; v, 804.)

Almost three-quarters of a century has elapsed since the publication of Garland's *Life of Randolph*, and forty years have passed since Henry Adams, writing a biography of Randolph, availed himself of the opportunity, says Mr. Bruce, "to direct against the memory of Randolph the thrice refined venom . . . . which had filtered into his own veins from those of his great-grandfather, grandfather and father" (I, p. v). In the meanwhile, personal reminiscences and brief sketches of Randolph have appeared, and only recently, Mr. Gamaliel Bradford has given Randolph the somewhat questionable distinction of being,

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"in many respects the noblest of the 'Damaged Souls'." It has remained, however, for Mr. Bruce to write the definitive life of this remarkable figure in American politics. He has brought together a mass of hitherto unpublished material concerning Randolph, including his diary and other journals and numerous Randolph letters, and has told anew and completely the story of Randolph's singular and fascinating career. The two volumes, characterized by comprehensive and scholarly research, dispassionate judgment, and a literary quality of distinction, will rank high in the field of American biography.

The first volume, prefaced with the genealogy of Randolph's clan, to which belonged, likewise, Jefferson, Marshall, and Lee, deals largely with Randolph's political career, his long and vivid congressional service, his part in the Virginia constitutional convention of 1829–30, and the diplomatic mission to Russia under Andrew Jackson; the second appraises Randolph as a statesman and orator, reveals the personal life of this gifted but restless and intemperate figure, and gives much of the social and political history of the era in which Randolph lived.

"Randolph's position as an orator," says his biographer, "is assured but his position as a statesman is by no means so certain. Indeed, if judged by the present standards of American statesmanship, it is difficult for anyone except a student of history to think of him as a statesman at all; so completely lost beyond the possibility of redemption are most of the causes for which he strove" (II, p. 218). But there are statesmen of "lost" as well as of triumphant causes, continues Mr. Bruce, and it is from an early nineteenth-century standpoint that Randolph should be judged. Regarded from this perspective, he finds in his subject an unswerving and consistent political faith, deserving well the tribute of his constituents that by his death they "lost the most intelligent, the most consistent, and the most intrepid, advocate of the Rights and Sovereignty of the States" (II, p. 227).

For thirty years of almost continuous service Randolph sat in the House of Representatives, zealously defending the tenets which he believed his party to have abandoned. During a brief period after the advent of Republicanism, he exercised a constructive leadership as chairman of the ways and means committee. Soon came, however, the break with the Virginia dynasty; a bitter denunciation of his party's compromise on the Yazoo claims; the failure of the Chase impeachment, in which Randolph figured as a leading manager; differences with Jefferson and Madison over methods for the acquisition of Florida; until finally, at the height of his party's prestige, he is an irreconcilable,

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solitary often, save for the power and grandeur of his eloquence or the menacing force of his terrifying and bitter invective.

There is, seemingly, no episode in Randolph's political career which is not adequately treated in these volumes; no aspect of his personal life and characteristics which is not illumined through his own voluminous speeches and letters, or by impressions from contemporary friends and enemies. Both of these he possessed in abundance, which was in keeping with his own proud boast, made in reference to his descent from King Powhatan, "that he was sprung from a race which were known never to forsake a friend or forgive a foe" (I, p. 291).

BRUCE WILLIAMS.

University of Virginia.

People and Politics. By SOLOMON BULKLEY GRIFFIN. (Boston: Little, Brown and Company. 1923. Pp. xi, 510.)

Men rarely write history when they write their reminiscences. They sometimes furnish the material for it, and sometimes indeed material which the judicious historian will take care to avoid. Even where the writing is not the offspring of imagination and poor memory it quite often has the purpose of revealing the responsibility of the author for the ordering of events, especially if he has been in office. The success of Mr. Griffin's book is chiefly due to his almost unrivaled opportunity of knowledge concerning the men and the public events about which he writes, his position of detachment in the sense that he was never even a candidate for office, and his highly trained capacity for observation and exact writing. When a mere boy he became connected with the *Springfield Republican* and rapidly rose in its service until he became its managing editor, a position he held for the extraordinary term of forty years. Notwithstanding the limitations imposed upon its earning power by a small local constituency, the *Republican* was yet able to attain a prestige and influence in which it was surpassed by no other newspaper. Its stern adherence to principle, and the vigor and courage with which it expressed itself won for it a wide-spread recognition. Mr. Griffin's long connection with such a newspaper brought him into intimate relations with the leading men in the politics of this period; it gave him an opportunity to see the inside working of the political forces; and it developed a discriminating and exact style of writing.

The result is a trustworthy narrative which is by no means merely the raw material of history, but much of which is history in its finished

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form. His point of view is that of one who was originally a Republican but keenly sensitive to the faults of his party, and who gave it a good deal of the faithful wounding of a friend. The corruption and political excesses following the Civil War led him to support Greeley and Tilden, and the nomination of Blaine in 1884 led him to support Cleveland. Perhaps it would be more exact to speak of him as an Independent with no bias towards either party as a party.

His treatment of the individuals of whom he writes is on the whole generous. His censure is to be inferred rather from what he does not say than from what he says. There is space here for only a brief reference to his estimate of individuals. He placed a high value upon the late W. Murray Crane, with whom he was acquainted before the latter entered politics. Crane never made speeches but he attained the proportions of a leader on account of his sure judgment, his ceaseless activity, and his rapidity of action. He kept a steady control of the machinery of his party and, if he could be called a boss at all, he was an easy one. He never punished independence but tried to keep everybody in line. He did not treat the party as a personal perquisite existing for his own advancement with the offices for his own personal baggage and henchmen.

Mr. Griffin's estimate of another character is full of interest and will be received with less dissent now than three years ago. "Beyond peradventure, to my mind, Woodrow Wilson will be seen as the epic figure of his period, whose outstanding proportions time will not blur or reduce." One will find grounds for differing with Mr. Griffin here and there, but his book is upon a high level and it is a long time since another so really notable a contribution has been made to our political literature.

SAMUEL W. MCCALL.

Boston, Massachusetts.

A Study of "Monarchical" Tendencies in the United States from 1776 to 1801. By LOUISE BURNHAM DUNBAR, PH.D. (Urbana, Ill., University of Illinois Studies in the Social Sciences, Vol. X, No. 1. 1922. Pp. 164.)

The author of this study has very properly pointed out that "monarchical" tendencies are largely a matter of definition. The work involves a reclassification of rather well known historical episodes, from the stand-point of whether or not they seem to point toward the evolu-

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tion of the United States government into a monarchy in the period under discussion. The attempts at reconciliation on the eve of the Revolution might more properly be interpreted as the gropings of a people who really knew little besides monarchy. The tendencies during the Revolution, in which the author gives a good resumé of the Broglie episode, might as properly be considered merely the wishes of a lot of disgusted Americans to get back into the British Empire and have peace. The tendencies which are discussed as having been prevalent at the close of the Revolution and during the period of chaos can as fairly be considered a longing for a stable government at a time when monarchy represented the only known kind of stable government. Hence this is not so much a question of political theory as of a desire for political tranquillity for economic reasons. The period of the Constitutional Convention produces the most convincing evidence of monarchical tendency, and the author's treatment of the Prince Henry of Prussia affair is well done. But during the convention and during the period of ratification a good deal of the talk about the possibility of monarchy was merely anti-federalist propaganda, and it would have been well if the author had stressed this fact a little more effectively.

The anti-monarchical tendency is, after all, the characteristic of this period, and the monarchical tendencies which Miss Dunbar records are mostly the ideas of people who could not change their minds quickly enough and could not become adjusted to the philosophy of Tom Paine's *Common Sense*. The plans for the establishment of a monarchy in the United States are presented in a way which convinces the reader that Miss Dunbar has done a remarkably thorough piece of work, and the whole study gives evidence of the most painstaking research into published sources, including a very wide reading in contemporary newspapers. On the whole it is a piece of negative evidence, but it is done in a manner which will make it quite unnecessary for anyone to do it over again. It certainly settles for some time to come the fact that there were monarchical tendencies, but that on the whole the United States had definitely turned its back on that political form. An excellent bibliography is appended, and the whole leaves little to be desired in the way of critical treatment and apparatus. It is a decidedly useful piece of work for the historian of the critical period.

RANDOLPH G. ADAMS.

Trinity College, Durham, North Carolina.

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County and Township Government in the United States. By KIRK H. PORTER. (New York: The Macmillan Company. 1922. Pp. xiii, 362.)

The appearance of another book on local rural government is significant as indicating the growing importance of a phase of American government which until recently has been almost completely neglected. For over a decade Professor John A. Fairlie's excellent and still useful treatise on *Local Government in Counties, Towns and Villages* (first edition 1906; revised 1914) was the pioneer in the field, in 1917 H. S. Gilbertson published *The County*, and in 1921 H. G. James wrote *Local Government in the United States*, making in all two books on local government in general and one on the broader aspects of the county. (This enumeration does not, of course, include compilations of articles or specialized treatises.) Consequently Professor Porter's *County and Township Government in the United States* should be received with interest by teachers and students of local institutions because it adds one more source of information and also differs somewhat from the other works in scope, arrangement, point of view, and method of treatment.

The first chapter of the book is devoted by way of introduction to a discussion of minor areas of government, showing how the county and township differ from other local units, especially from pure administrative districts, and also setting forth the importance of local self-government. "The outstanding characteristic of the county and the township," concludes the author, "is that they are, and always have been, areas for local *self*-government. . . . . The importance of this point cannot be too firmly emphasized. Contemporary political thinkers are by no means convinced that local self-government is essential to democracy, but the fact remains that local self-government has been looked upon as an essential feature of democracy in America, and it has been through the county and the township that self-government has been exercised. If it were not for the political machinery of county and township all the people living outside the boundaries of urban districts would have no opportunity to enjoy this peculiarly American form of democracy. And after all, so far as area is concerned, the municipalities are but dots upon the map" (pp. 16–17). This quotation is important as setting forth the author's attitude and interest in the county and township, and differs somewhat from James' conclusion that the "American county is neither a natural unit for the

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administration of state affairs, nor does it constitute a natural division for the conduct of local affairs," and "even more true is it . . . . that the non-urban subdivisions of the county, such as the townships of the Middle Western states, are ineffective areas of local government" (*Local Government in the United States*, p. 470). "There would seem to be no justification for smaller areas of local government than the county, except for the urban communities" (James, p. 473).

The second and third chapters are given over to a description of the origin of local self-government in the New England colonies and the variations from the New England type in the other colonies. The fourth chapter includes a very clear explanation of the present-day types of local government organization under the headings of "The New England Group," "The South and Far West," "The Central Group," "The North Central Group," and "The South Central Group." Chapter V discusses the legal status of the county and township, while Chapter VI enumerates their functions and explains how such functions are divided between the two units. The next nine chapters, constituting the bulk of the book, describe the organization and powers of the various county officials, tell how the typical county does its work, and set forth certain suggestions for the reform of county government. The author is of the opinion that the chief problem of reform, and the one most difficult of solution because of constitutional and political obstacles, is the need for a complete reorganization of the internal machinery of county government. Instead of the manager plan Professor Porter favors a simplified government centralized under a responsible county board which would appoint practically all of the other officials except the sheriff and the prosecuting attorney. Home rule for counties is only briefly mentioned, receiving less than a page, and no mention is made of the optional charter system as a possible compromise method of departing somewhat from the rigidity of a general form of county government. The need for county and city consolidation receives somewhat more consideration, but less perhaps than is deserved by a problem which is so vital in the more thickly settled portions of our larger states. The last two chapters deal with "Townships and County Districts" and "Small Municipalities," respectively.

Professor Porter's work is worthy of high praise because of the simplicity and clearness with which he has described institutions which vary so much from state to state as almost to defy classification. But in many instances there seems to be a tendency toward over-generali-

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zation which makes the book rather easy diet for any but beginning students. For example, classification of property for taxation is disposed of in eight lines without reference to the practice in any one state (the experience of Iowa, the author's own state, would have been of interest); state audit of county accounts is recommended but no description is given of the successful systems actually in operation; the coroner is criticized and recommendations are made for the abolition or reform of this office, but the author does not describe how some states, such as Massachusetts, have actually solved this problem by the appointment of an expert medical examiner in place of the elected coroner. In the discussion of home rule for counties no description is given of the California or Maryland experience, and the discussion of county-city consolidation would have been more illuminating if there had been some description of the actual problems faced in a typical metropolitan center and an explanation of what some few cities such as Denver, Colorado, and the Virginia cities have accomplished along this line. To have described more fully the details of local government in all its phases would have been undesirable and highly confusing, and as mentioned above the author's general arrangement and treatment are worthy of the highest praise, but at the same time a somewhat larger use of striking examples and actual instances, together with fewer generalizations, would have made the book of greater value.

A. C. HANFORD.

Harvard University.

The Law of City Planning and Zoning. By FRANK BACKUS WILLIAMS. (New York: The Macmillan Company. 1922. Pp. xvii, 738.)

Mr. Williams' book is, first of all, a striking ten years record of accomplishment. Much of it could not have been written a decade ago because the complete zoning of cities was unknown in the United States and Canada before 1916. Planning commissions as official parts of the city administration did not exist before 1909 and then there was only one. The very name "city planning" had no very clear meaning until the Burnham Plan for Chicago in 1909 and 1910. Now city planning has a meaning to the man on the street in many cities. The lone planning commission of 1909 has grown to 175 commissions operating under state laws and municipal ordinances. City planning enactments are on the statute books of many states, and there is a

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considerable city planning literature in this country. During the last few years the sweep of zoning has been countrywide. Comprehensive zoning ordinances have been adopted in New York, Chicago, St. Louis, Baltimore, Los Angeles, Milwaukee, Washington, Newark, Indianapolis, Providence, St. Paul, Akron, Atlanta, and in over sixty smaller cities and towns; and they are being prepared in as many more cities and towns, large and small.

In several cities zoning has been enforced long enough to be tested by the courts of last resort, which have found without exception that a properly drawn zoning ordinance is a valid exercise of the police power. Mr. Williams, in his chapter on "Zoning in Canada and the United States," records a most respectable body of judicial decisions on the subject. All this material for the United States, for Canada, and for Europe has been digested by a trained lawyer with a wide experience in city planning and a keen appreciation of its value. A very useful part of the book is the appendix which contains, besides citations of decisions and laws, a helpful bibliography.

But Mr. Williams has produced much more than a historical record or a timely book of reference full of suggestive material which will be used profitably by the student of municipal government and the practical city official. It is a book for specialists, but it is still more a book that is good reading for every thoughtful citizen. Such topics as "how a city acquires land," "how the land is paid for," "how the city plan can be carried out with little financial burden," and "how the city can gain in attractiveness and charm," should be all of more than passing interest; and the book, in spite of its technical nature, has the readability of a biography.

FLAVEL SHURTLEFF.
Secretary, National Conference on City Planning.

English Local Government: Statutory Authorities for Special Purposes. By SIDNEY AND BEATRICE WEBB. (London and New York: Longmans, Green and Company. 1922. Pp. vii, 521.)

This is the fourth and concluding volume in the splendid series on English Local Government, 1689–1835. It was the year 1899 when the authors began their studies in this field. It was not until 1906, however,—the year of the founding of the *American Political Science Review*,—that they issued the first volume in their compendious study under the title, *English Local Government: The Parish and the County.*

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There followed in 1908 the two volumes subtitled, *The Manor and the Borough*. (For more extensive reviews of the earlier volumes, see this *Review*, I, 277–282; II, 645–647.) Many years ensued in which numerous other studies filled the minds and occupied the hands of the authors. Besides other works they produced in this period *English Poor Law Policy* (1910), *Grants in Aid* (1911, with a new edition in 1920), *The Story of the King's Highway* (1913), and *English Prisons under Local Government* (1922), all by the same publishers. These studies contribute in large measure to the important work on the history of local government, bringing some phases of the story down to the present day. Finally, almost a quarter-century after the inception of the work on the history of local government, 1689–1835, the authors and their publishers have given us the completion thereof in the volume under review. Thus again in our own day have been justified the words of Thomas Madox, "Whoso desireth to discourse in a proper manner concerning corporated towns and communities, must take in a great variety of matter, and should be allowed a great deal of time and preparation. The subject is extensive and difficult."

It is important to stress the fact that the volume on *The Parish and the County*, the two volumes on *The Manor and the Borough*, and the present volume on *Statutory Authorities for Special Purposes*, constitute a complete series. Together they form an encyclopedic description and history of English local government in the century and a half before 1835. Although the treatment is topical, local government is dealt with as a single problem. All phases of the subject are discussed in a comprehensive manner. If any feature of the work may be selected as being particularly meritorious, it is the fact that the authors look behind the written laws, the charters, and the court decisions, into the very life of the institutions in daily operation. The authors wisely observe that "the student has always to be on his guard against assuming that, because an Act of Parliament ordered something to be done, it therefore was done." The Webbs have traversed not only the general laws, and the great mass of local acts, but also the almost unexplored rolls and minutes of numerous parishes, counties, boroughs, and other authorities, and a wealth of contemporary newspaper and pamphlet commentary upon the actual workings of institutions. The result is a work of scholarship perhaps unrivaled in the field of local government. The student desiring guidance in methods of careful and exhaustive work, cannot do better than to read the preface to the volume on *The Parish and the County*.

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The volume on *Statutory Authorities* does two important things. For the first time it gives us a complete view of the more than 1700 special units created by or under statutes in the eighteenth century to do the work required by new conditions in English life, which the old units were unfit to handle. This beginning of legislative intervention in the affairs of local government was itself a highly significant departure which has been described separately by one who collaborated extensively with the authors (F. H. Spencer, *Municipal Origins*). Under parliamentary authority were created the "courts" or commissioners of sewers, for the drainage of fens and drowned lands, the incorporated guardians of the poor, over a thousand "turnpike trusts," and the various bodies of police and improvement commissioners, for "paving, lighting, cleansing, watching and otherwise improving the streets of the rapidly developing urban centres of the eighteenth century." Many if not most of the functions which today are considered to be peculiarly municipal, were performed by these *ad hoc* bodies. The areas of the new authorities simply flung new networks of overlapping boundaries upon an already mazy map, to the complete destruction of all conception of uniformity. There was local government enough but there was "no system of local government."

Equally important, and the more welcome because it is unexpected in a volume under such a title, is the brilliant resumé of the development of English local government in all its branches in the period studied. There are two chapters, one dealing with "The Old Principles," the other with the new. The authors found at the beginning of the eighteenth century a loose, heterogeneous, unsystematized congeries of local authorities, based almost entirely on custom and common law. Parliament took almost no interest in local administration. The power of active participation in local affairs was a special privilege of a semi-private nature which was conferred only upon those who pursued some productive vocation, or who owned property, or who were elected freemen by the other voters. To its members a corporate borough was "a complex of immunities and franchises, rights and privileges," of an almost private nature although the king and his ministers might take a different view and put some stress on public obligations. Everywhere the membership of these corporations tended to become more and more restricted, until by 1835 approximately three-fourths of the boroughs were governed by close bodies, little oligarchies of self-selected members, consisting almost entirely of the well born. At the same time, all persons resident within

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the somewhat vague boundaries of the borough were obliged to serve in public or corporate capacities without compensation. This was the basis of the public services. A salaried, permanent, professionalized group of public employees was unknown in the local units. A few offices, made valuable by fees, were actually held by the incumbents by a freehold tenure based on immemorial usage.

By the end of the period the new principles of local administration were already emerging. The industrial and agrarian revolutions, and the new ideas of liberty and democracy flung abroad in the land, had even before 1835 brought some significant changes into English local government. With "the massing of men" in the new industrial areas, pauperism and crime grew apace. There came a "devastating torrent of nuisances," and in 1831–32 a plague of Asiatic cholera. The old methods in highway construction, poor law administration, sanitation, police protection, and justice, simply broke down under the new strains. By slow and painful steps local governments were being forced to become more efficient. Unpaid, unskilled, obligatory citizen service gradually gave way to public contractors with staffs of wage earners, and ultimately to a paid professional staff of permanent public officials. The municipal civil service was in embryo. In the meantime democracy was receiving a new meaning. In a few areas the old privileged vocational classes slowly lost their monopolistic control of local government to a more extensive group of rate-payers, and everywhere the people lost confidence in the close corporations which attempted to govern them. The impracticability of the old form of government by semi-judicial courts and juries became more apparent year by year, until at last the system of representative government began to be established in the communities. The representatives of the rate-paying consumers became the directors of permanent paid staffs of public workers. This new basis of government was brought about very largely by the new intervention of Parliament in a once neglected field. Parliament was beginning to take an interest, and with the increase of its activities in this field the basis of local government was slowly and quietly shifted from custom to statute. The same authority began, also, to effect by degrees a unification and simplification of local government areas. The *ad hoc* authorities began to fall into desuetude. To cap the climax there were finally set up by Parliament the specialized central departments to supervise the activities and to raise the standards of the local units. Thus there was at last provided a teacher for the school of local self-government. But most of this progress comes just

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at the end of the period discussed by the Webbs. In 1835 there was still "no system of local government."

Like the earlier volumes in the series, the last one includes an index of persons, an index of places, and an index of subjects. The footnotes contain invaluable bibliographical notes. Indeed, the entire execution of the work is above reproach.

WILLIAM ANDERSON.

University of Minnesota.

The Constitution of Canada: An Introduction to its Development and Law. By W. P. M. KENNEDY, M.A., LITT.D. (New York: Oxford University Press. 1922. Pp. xx, 519.)

Professor Kennedy has undertaken, to quote from his preface, "an evolutionary account of the various movements and stages which have issued into the organized political life of the Canada of to-day." As a scholar trained in the British Isles and now teaching in a Canadian university, and already favorably known for his work in the field of Canadian constitutional history, the writer brings to his task a breadth of view and a thorough scholarship which insures for this new book first rank among the investigations of Canadian constitutional development. The importance of Canadian precedents in the recent settlement of the Irish question and the creation of the Irish Free State is but one indication of the timeliness of Professor Kennedy's book.

Although the writer modestly claims to have written neither a description nor an analysis of Canada's political institutions, the reader will find much detailed information on the political, economic, and social history of Canada, as a necessary prerequisite for a correct understanding of its constitutional evolution. Nor has the influence of Canada's southern neighbor been overlooked. The book begins with a careful analysis of the government and institutions of New France and traces the development of the Canadian constitution straight through to the present time. The growing friction between the English and French in Lower Canada and the political troubles of Upper Canada under the Constitutional Act of 1791 are treated in great detail, through the administrations of each successive governor, in excellent chapters full of allusions to the general history of the period. Some may be startled, however, to learn that "The 'family compact' were nothing if not competent," and "there was no real organized public peculation under their régime." In the discussion of the events leading to union, Joseph Howe's letters in answer to Lord Russell are ranked with Dur-

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ham's epoch-making report for the shrewd insight they give into the workings of the old colonial system. The analysis of the governmental policies of all the governors from Sydenham to the realization of responsible government is nicely interwoven with the narrative of the more important political events of the period, and the picture of conditions in and outside Canada at the time of the Quebec Convention, when "Canada was born in a period of mid-victorian gloom," is brilliantly drawn. But perhaps the greatest interest attaches to the later chapters. The development of Canadian autonomy and nationhood is treated in two periods, the first extending from 1867 to 1914, the second covering the years since the outbreak of the World War. The discussion of the development of Canadian autonomy in such matters as commerce, finance, justice, down to the recognition of Canada's status in the covenant of the League of Nations, is most detailed. In a chapter on the nature of Canadian federalism, the writer quotes extensively from the notable cases and opinions of courts, legislatures, and government officials in England, Canada, and the provinces, and makes the usual allusions to the federal system of the United States. In his final chapter Professor Kennedy ventures the conclusion that in spite of the momentous changes which have occurred since 1914 in Canada's status within the empire, "Canada's status in international law has undergone no fundamental change;" the diplomatic unity of the empire has been preserved; and even "the League of Nations in giving Canada a new position at the same time binds it closer to the imperial crown." In short, Canada's present stage of constitutional development continues to challenge the Austinian theory of sovereignty; Canada has attained a sovereignty that is real, but withal not absolute.

Professor Kennedy has done a valuable, necessary, and timely piece of work. The book is faultlessly printed. At the end of each chapter is a list of authorities, and at the end of the book, a table of the cases cited in the text. The index is adequate. The British North America Act of 1867 has been reprinted as an appendix.

CARL WITTKE.

Ohio State University.

The Fiscal and Diplomatic Freedom of the British Overseas Dominions. By EDWARD PORRITT. Edited by David Kinley. (Oxford: At the Clarendon Press. 1922. Pp. xvi, 492.)

It must be confessed that it is surprising to get such a book as this published by the Clarendon Press. The late Mr. Porritt would no

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doubt have revised and improved this somewhat disjointed series of articles, had he lived. The number of misprints, inaccuracies of detail which could have been verified, and contradictions in this volume is remarkable. Professor Kennedy of Toronto has already noted enough of them to cover nearly three pages of the *Canadian Historical Review* (December, 1922), and even this list we have not found to be exhaustive. Perhaps an editor could hardly have been expected to go further than correct such mistakes and undertake drastically to revise and shorten the subject-matter. Had he done so, however, he could have added vastly to the value of the book. The main theme of the author is the gradual development of the fiscal autonomy and treaty-making power of the dominions especially in relation to Canada, during the nineteenth century. It is not an entirely intricate subject, but had this book provided a coherent and systematic statement of this process, it would have been valuable as a book of reference. Unfortunately, there is so much repetition of arguments and of the same illustrations in the course of the six parts into which the book is arbitrarily divided that the reader is wearied and bewildered instead of being enlightened. Anyone who turns to Chapter IV of Part IV will find a good example of this muddled method.

Another criticism that can fairly be brought against the book is the monotony of abuse against the mother-country. Up to 1849 England's protective system did, as Mr. Porritt shows, in some respects hamper colonial development, but even so, as he admits, the advantage was not always on the side of England. Since then up to 1887 or 1895—the dates seem to differ—Mr. Porritt's contention is that the dominions were always kept on a Procrustean bed of free trade, chiefly by what he calls free trade propaganda from the colonial office; but it seems, even from his account, that the dominions, from 1850 onwards, got very much their own way with protective tariffs when they had made up their minds to have them.

In one respect he is definitely in error, when he argues that Ripon's dispatch of 1895 was an attempt to limit the dominions' freedom. It did two things: it pointed out that preferences to the dominions would be detrimental to the mother-country's systems; in fact, it protested against a "preference propaganda" from the dominions; and secondly, instead of restricting the dominions' power of negotiation on fiscal matters it pointed out a method by which they could make their voices heard without breaking up the unity of the empire by isolated action.

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In spite of these defects the book contains much valuable material for those who choose to delve for it in the somewhat tangled soil. The importance attached, for example, to the constitutional victory won for the dominions over the Rebellion Losses Act of 1849 is admirably brought out; and the author insists rightly on the point not often noted that North's Declaratory Act of 1778, though it was useless for the revolting colonies, proved an important charter of the other colonies' liberties. The appendices of illustrative material are also valuable.

BASIL WILLIAMS.

Magill University.

British and Continental Labour Policy. By B. G. DE MONTGOMERY. (New York: E. P. Dutton and Company. 1922. Pp. 575.)

This book is a treasure house of information upon the labor problems of Great Britain, France, and the three Scandinavian countries. The first part of the volume is devoted to a description of the political labor movement in each of these countries, while the latter half deals with the legislation enacted by the various nations on such matters as the legal position of trade-unions, conciliation and arbitration, the minimum wage, hours of work, unemployment, and the nationalization of industry. There is probably no other single source which contains so much meaty material upon the field which it covers. The sections dealing with Norway, Sweden, and Denmark are especially valuable to the English speaking students of industrial relations whose knowledge of the situation in these countries is all too fragmentary and confused.

Mr. De Montgomery is manifestly conservative in his point of view and fearful of the rapidly growing movements that threaten the hegemony of the capitalistic system, but he is refreshingly fair and comprehensive in his statement of facts. He seems to believe that on the whole the general strike is doomed to failure. While the Swedish strikes of 1902 and 1909, and the French attempt of 1920, are indeed corroborative of this thesis, there are on the other hand the successful Danish strike of 1920 and the power of such a threat in Norway in 1921. Furthermore, if the history of general strikes elsewhere is studied, it will be found that while there have been fiascos such as recently occurred in Italy, there have also been a considerable number of successes, of which perhaps the most notable was the German general strike of 1920 which overcame the Kopp "putsch" and prevented the return of the monarchy. The evidence of the last few years, indeed, seems

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to indicate that the general strike is not a "myth," as Sorel once admitted, but when used for fundamental political objectives, it may become a reality charged with great power.

The quality of this work should encourage someone to undertake a similar work for the remaining countries of continental Europe.

PAUL H. DOUGLAS.

University of Chicago.

Russia Today and Tomorrow. By PAUL N. MILIUKOV. (New York: The Macmillan Company. 1922. Pp. x, 392.)

Autocracy and Revolution in Russia. By BARON SERGIUS A. KORFF, D.C.L., LL.D. (New York: The Macmillan Company. 1923. Pp. viii, 161.)

The average American becomes bewildered as he listens to the conflicting voices which speak for Russia. In a vague sort of way he discounts them all heavily and hopes that affairs in that unfortunate land will come out alright in the end. He is fed up on tales reciting the woes of emigré nobles and landlords. Propaganda no longer incites him. Even appeals for relief to millions of famine stricken peasants must overcome the inertia of doubt with regard to all things Russian.

The above works are written by Russians with democratic convictions and sympathies. The authors are trained students and eminent authorities in the field of scholarship. They are among the more liberal and enlightened of the voices from Russia. Both have confidence in the future of their nation, and their hopes are unshaken even when scholarship is unable to provide the grounds for early realization. Faith and assurance find expression in Professor Miliukov's chapter on "Russia Tomorrow," and in Professor Korff's chapter on "Some Lessons of the Russian Revolution."

Would that the peasant of Russia were vocal. All the aspirants for leadership in Russia, all the groups seeking to voice the will of her people pin their faith to the peasant. Constituting over 80 per cent of the population, the peasantry has yet to find the power of affirmative expression. Through non-coöperation, passive resistance, and even open rebellion, the peasant foils many a program for the restoration of Russia because those programs do not suit him. He holds a veto that all admit to be final. Intervention failed because he assisted the Bolshevik; the land nationalization policy of the Bolshevik failed because the peasant would have none of it. Without the assent of the peasantry no government can long endure in Russia.

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The literature of the Russian revolution is only partially available to those unfamiliar with the Russian language, but that part which is in English has been enriched by the contributions of Professors Miliukov and Korff. They are capable interpreters and their books are characterized by style and charm which add much to the delight of reading them. *Russia Today and Tomorrow* is much the more pretentious and informing; Professor Korff's six lectures are more reflective and philosophical.

To the student of contemporary civilization the chapter by Professor Miliukov on "Russia's Contribution to the World's Civilization" will prove a fruitful and suggestive introduction to cultural achievements with which too many Americans are unfamiliar.

RUSSELL M. STORY.

University of Illinois.

The Western Question in Greece and Turkey: A Study in the Contact of Civilisations. By ARNOLD J. TOYNBEE. (Boston: Houghton Mifflin Company. 1922. Pp. xv, 420.)

Wise Men from the East and from the West. By ABRAHAM MITRIE RIHBANY. (Boston: Houghton Mifflin Company. 1922. Pp. 310.)

Western Races and the World. Essays arranged and edited by F. S. MARVIN. (New York: Oxford University Press. 1922. Pp. 264.)

In his minute study of the structure of government, the political scientist may easily ignore the purposes for which governments exist and the problems they have to solve. To such a tendency these three books will be a wholesome antidote. They deal with the relationship of what we call Eastern and Western civilizations and of the so-called "advanced" and "backward" races. These books will disappoint the Nordic idolater. None of them harps upon the supremacy of the white race or the superiority of western civilization. Mr. Marvin does say that the white man is better than the black, because he "has behind him a tradition of a collective growth in power and knowledge for now nearly three thousand years, in which each individual has a share." But the West should use this accumulated power, as a trustee, "to bring up the whole body of their fellow men to the level reached by the most advanced" (p. 23).

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As Dr. Rihbany so clearly points out, the Orient has contributed a great deal to this store of culture. The civilization of the East, he says, rests on agriculture and religion; the civilization of the West, on industry and education. To the easterner, life is an inheritance; to the westerner, it is an evolution. The eastern mind is submissive and contemplative; the western mind is aggressive and experimental. The Holy Books of the East have defined the ends of life; the busy factories of the West have supplied the means to carry out these ends; but in the feverish struggle to get the where-with-all, the West has forgotten the objects for which it should be used. It is impossible for a people to produce Twenty-third Psalms and Standard Oil companies—at the same time. But he hopes that eventually the commercial mind of the West will be joined with the spiritual mind of the East to produce men fit to rule the earth.

Mr. Toynbee also comes to the defense of Eastern civilization. The atrocities charged against the Turk are not a part of the Oriental plan of life. "From the end of the Greek War of Independence down to the fall of Abdul Hamid, there was no blood-feud between the Anatolian Greeks and Turks" (p. 131); "Orientals have no greater predisposition to atrocities than other people" (p. 266). And he points out that while the Turks were butchering the Armenians in the last war, Russian troops murdered 500,000 Turkish nomads in Central Asia (p. 342). It is only since the Turk has been infected with western nationalism, that he has embarked upon wholesale persecution of racial minorities. The western public has encouraged Turks and Greeks "to strut like fighting cocks" (p. 327). Turkish nationalism "is at once the acceptance of the Western idea and a revolt against Western domination" (p. 322).

Some people will call Mr. Toynbee pro-Turk. He ignores the dead hand of tradition which weighs so heavily on the Moslem world. And it would be well to read such a book as Zwemer's *The Disintegration of Islam* to fill in the chinks which Mr. Toynbee has left open. But in view of the many sins of the West against Turkey, his plea that Turkey should be left to work out a *modus vivendi* with western civilization, without the compulsion of western arms, is one which should not fall upon deaf ears.

In *Western Races and the World* this problem is tackled from a broader point of view. As a historical introduction, several chapters describe the attitude of the ancient Greek toward the barbarian and the policy followed by Rome toward its conquered races. It is curious to note that a religious and an atheistic movement—Christianity and the humani-

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tarianism of the French revolution—combined to change the attitude of the West toward the "backward" peoples and to emphasize the idea of the unity of the world.

Chapters are devoted to the relationship between Christianity and Islam, the author pointing out what doctrines they hold in common; between the Far East and Europe; and between India and England. There is a chapter on language, in which the writer takes the position that if an international language could possibly exist, it "would be one in which no man could utter what he really meant or express to himself or to others the characteristic features of his personal experience or of the world that surrounded him" (p. 36). Really to promote international understanding we should learn our neighbor's speech.

Perhaps the most interesting part of the book is the last three chapters, which deal with the colonial policies of the western races. A distinction is made between the *exploitation* of the tropics by a native wage system, often of forced labor, under white capitalists, and the *development* of the tropics, by voluntary native producers, the whites serving only as middlemen. The development system has worked with surprising success in Nigeria and on the Gold Coast. In the last chapter Sir Sydney Oliver discusses the mandate system established under the league, and the effect it may have on colonial policy.

RAYMOND L. BUELL.

Harvard University.

International Society. By PHILIP MARSHALL BROWN. (New York: The Macmillan Company. 1923. Pp. xiv, 173.)

The author of this brief volume is conscious that it is open to criticism "in treating in a cursory manner so many topics deserving separate intensive study," and it would be ungenerous not to point out, at his invitation, a number of issues upon which at least some of his readers will disagree with him. The volume surveys certain of the "facts" of international relations, and undertakes to set forth certain of the major premises upon which sound conclusions with respect to the future of international society must be founded. Nationalism is presented as the "basic fact of international society," and in consequence international law must take account of the conflicting interests to which it gives rise and find a means of reconciling them.

In the discussion of "Men and Nations," the reviewer agrees with the author in his admirable presentation of the necessary sacrifices the

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individual must make in order to obtain the benefits of organized society, but dissents sharply from the view that "this implies an abdication of his (the individual's) own moral conscience." The reviewer further rejects the principle of "My country, right or wrong" as a statement of "patriotic duty," especially when interpreted to mean that "once democracy has decided, a due regard for the opinions of his fellow men compels him (the individual citizen) to submerge his own judgment, will and conscience into one national judgment, will and conscience."

The law of nations is shown to be distinct both in kind and degree from other systems of law. Here the reviewer dissents from the statement that the law of nations is "fundamentally different from all other law," and that the "vital interests" of nations "are not to be regulated by it," although this may perhaps be taken as a statement of present facts rather than of future development, since on a later page the author suggests that these great national interests are to be protected by future agreements of the nations.

The chapters on "National Interests" and "International Intercourse" contain excellent statements of the difficulty of adjusting national rights and of the part played by commercial rivalry in creating disputes between states. The chapters on "Self-Help" and "War and Neutrality" are also a clear presentation of certain illogical and defective parts of the body of international law, whether or not the reader agrees with the author's justification of war in the pursuit of justice, or with his abdication of the rights of neutrality. The reviewer dissents from the suggestion that the League of Nations is "primarily a European concern," and that participation in it would perpetually embroil the United States in the quarrels of European nations. The author, however, wishes the league well, and advocates the entrance of the United States into the Permanent Court of International Justice as the best agency for the development of international law.

Professor Brown is at once a realist and an idealist. To differ with him on minor, or even on major points, is not to deny the value of his stimulating discussion of the hard facts of international life and the possibilities of improvement. The merits of his suggestive study far outweigh its defects, and there may be many who will agree with him on all points. The great need of the moment, as Professor Brown points out, is discussion and investigation, as a result of which it will not be difficult for publicists of good will to find a common basis of agreement.

C. G. Fenwick.

Bryn Mawr College.

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Economic Imperialism and International Relations During the Last Fifty Years. By ACHILLE VIALLATE. (New York: The Macmillan Company. 1923. Pp. xv, 180.)

This volume contains Professor Viallate's lectures at the first Institute of Politics at Williams College, and covers the "Imperialism" of the past fifty-odd years with little criticism in terms of fact. The book's chief value lies in bringing together the development of economic and commercial policies before, during, and since the war into one connected account. It throws into sharp relief the complete reversal of international action, carried on, to be sure, in two rival and parallel systems, which the exigencies of the war forced upon the belligerents. From a political rivalry in commercial policy, there developed an almost total regimentation of industrial life across political frontiers, a practical "state (and interstate) socialism." It fell away much faster after the war than it had been built up during it, and left behind most of the old and many new rivalries. The Peace Conference did little in Professor Viallate's opinion to improve the morale or the practice of international relations. Its greatest achievement was the creation of the international labor organization with its possibilities for coöperative action in an ever widening field of economic contacts.

His conclusions are for a more stable political equilibrium, a more generous international commercial policy, and low tariffs, since "world wide free trade is perhaps too ideal an aim."

The author has given a carefully selected bibliography to guide the inquiring reader in an important field of action and of thought. Taken together, Professor Viallate's *Economic Imperialism* and Professor Brown's *International Society* (reviewed above) offer an excellent introduction to the raw material of international relations—economic contacts and their "rationalization" in terms of sovereignty.

PHILLIPS BRADLEY.

Wellesley College.

The United States and the League. By THOMAS H. DICKINSON. (New York: E. P. Dutton and Company. 1923. Pp. 151.)

Whither France? Whither Europe? By JOSEPH CAILLAUX, Former Premier of France. Translated by Helen Byrne Armstrong. (New York: Alfred A. Knopf. 1923. Pp. xi, 184.)

The author of each of these volumes is concerned with the chaos which exists in world affairs today. Moreover, both attribute it to the inade-

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quacy of national political governments and look toward some form of international coöperation as the only means for averting the destruction of western civilization. They differ, however, in that Mr. Dickinson recommends a political and M. Caillaux an economic solution.

Taking as his hypothesis the assumption that an international political organization is necessary, Mr. Dickinson demonstrates adequately if there is to be any such thing in this age it must be the existing League of Nations. "For you should know that within the span of your short life-time you cannot hope to see another" (p. 140). His attempt to prove that if the United States should enter the league it would not be contrary to American precedent nor to the desires of the American people is not as convincing. Nevertheless, he is more logical than those who demanded American participation in the war and later caused the withdrawal of the United States from Europe; and he is more practical than those who maintain that they want a league, but not "The League."

M. Caillaux devotes most of his book to an arraignment of the national political governments of Europe, especially of France. In his eyes their chief limitation is their inability to cope with the problems growing out of economic evolution. To escape exploitation by a self-interested group of commercial and industrial lords, who according to him dominate not only the economic but also the political order, he advocates the formation in every country of an economic state "within the political state, not above it, as has sometimes been suggested, but definitely subordinated to it. The next step—almost more important—will be to federate these economic states" (p. 169). He rejects the communistic system because it involves the union of the political and economic governments, but he maintains that the ideal is to "combine Western democracy and Russian sovietism" (p. 172). His suggestions as to how this is to be accomplished are meager but anticipating this objection he asks: "What man and what party of 1789 had a *complete* program of reform? *They were overtaken by events.*—Why should we be wiser than our forefathers?" (pp. 165–166).

Perhaps it is too much to expect to find a well articulated plan of regeneration presented in a volume entitled *Whither France? Whither Europe?* The query is quite vividly answered by the author in his description of "the race toward the abyss." He does not attempt to say how the participants might be halted, he merely sets up a sign-post, not at the crossroads, but at the place where he thinks a road should be built. On the other hand, Mr. Dickinson points to a thoroughfare, the foundations of which have already been laid. It is a new road and no

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one knows whether it leads away from the abyss or not, but at least it does not start in that direction. Neither M. Caillaux nor Mr. Dickinson, however, tells the traveller who has come thus far anything which he could not have observed for himself, had he paid any attention to the signs along the way.

FRANCES E. WILLIS.

Stanford University.

The Neighborhood in Nation Building. By ROBERT A. WOODS. (Boston: Houghton Mifflin Company. 1923. Pp. 348.)

The Neighborhood: A Study of Local Life in the City of Columbus, Ohio. By RODERICK DUNCAN MCKENZIE. (Chicago: University of Chicago Press. 1923. Pp. xi, 56.)

The growing interest in local neighborhood organization is probably due in part to a healthy suspicion that our social organization is unwieldy and beyond the conscious control of the mass of citizens, and in part to the experience and records of the settlement movement. This new collection of papers and addresses of Mr. Woods, covering over thirty years of crowded life, lacks the coherent and comprehensive approach of his last study (reviewed in this journal, XVII, 135), but possesses the tang of the author's rich experience in a downtown crowded city neighborhood.

These papers are especially suggestive to the student and teacher of politics. Indeed they are a useful corrective to an over-emphasis on organization and machinery. They are full of specific and informed comment on the sources of power in the city. The following chapters are especially recommended: "Settlement Houses and City Politics," "The Neighborhood in Social Reconstruction," "The City and Its Local Community Life," "The State as the Great Community," and "The Settlement Reconsidered in Relation to Other Neighborhood Agencies." In general the thesis advanced is that improvement in municipal politics will come only after a study of the local communities within the city, the interests that are to be found there, the sources and organization of power and leadership, and the winning of allegiance to larger social ends rather than to personal "organization" purposes. "Municipal reform which devotes itself to the correction of methods of city government must nearly always be futile, because it is not so much the methods as the aims of city government that vitally concern the masses of the citizens. . . . . They take it for granted that the municipality is

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to be of some sort of use to them. . . . . The successful political leader is the man to the local manner born, who enters instinctively into the ambitions and passions of his people, and to whom they return even after he has been untrue to them, as one does to a blood relation . . . ." "The one indispensable way in which to understand contemporary history is to understand contemporary people."

Not only does Mr. Woods stress throughout the importance of creating from within the local community, but also the place that social work as a profession has come to occupy in the public services in the broader sense. "It brings men into a political activity of that sort which has to do, not only with correcting the technique of government in our cities, but with humanizing them through causing them more largely to meet great collective human needs. . . . . It undertakes to build up . . . . a kind of moral municipality and commonwealth." No other collection of studies contains the analysis of the local community and the effort to reconstruct it in the United States so completely as this book, and in addition it is full of the wise and patient teaching which characterizes Mr. Woods.

Mr. McKenzie made an analytical survey of a downtown crowded neighborhood in Columbus for a church society which had maintained a settlement there. In a useful factual study he presents some of the more recent conclusions concerning city structure and mobility of life as checked up by his own appraisal. He finds that groups of similar cultural and moral values have a tendency to vote alike and that ward lines frequently conceal or obstruct the securing of the opinion of these neighborhood groups. He therefore suggests the need for wiser city planning of local areas and political units. His remarks concerning municipal politics duplicate the many similar findings of settlement studies by Addams, Woods, Simkhovitch, and others. The chief new contribution is the analysis of votes by local districts as compared with evidences of property status in order to find out the homogeneity of viewpoint in political matters. The final discussion trails off somewhat pointlessly with a caution to the "extreme neighborhood promoters" that mobility of city life, now on the increase, may bring good as well as evil. The implications of this position should have been revealed. The study, though brief, is full of useful comment on politics in a downtown city neighborhood.

JOHN M. GAUS.

Amherst College.

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BRIEFER NOTICES

Old Diplomacy and New, 1876–1922: From Salisbury to Lloyd-George, by A. L. Kennedy (with an introduction by Sir Valentine Chirol. Appleton, pp. xxii, 414), covers a period which is full of striking contrasts and varied problems. Such men as Beaconsfield, Salisbury, Lansdowne, Grey, and Lloyd-George cross and recross the stage. The British government meets new problems such as the Venezuela dispute of 1895, of which the author says, "No country had before dictated to Britain in this manner," but this episode particularly shows the value of arbitration under politically strained conditions. The Fashoda incident of 1898 is an example of another test of the diplomacy of this period. Of the persons playing the leading parts in the diplomatic problems of Great Britain, Lord Salisbury is mentioned as an "out-standing figure" of the Victorian age. Lansdowne broke the tradition of "splendid isolation." Sir Edward Grey is typically "North-English." "Solitude was his stimulant." Grey's service was the longest continuous service in two hundred years. During the period of these ministers experience often showed that the true international interests did not always coincide with those of industry and finance. Mr. Lloyd-George is characterized as one who "learned diplomacy during the World War." Lord Beaconsfield's performance is deemed "pale candle-light beside the dazzling feat of the self-educated Welsh villager, who rose to guide the reconstruction of the world . . . . his personality is baffling in its variegation . . . . his foreign policy has been nondescript . . . . he has shown brilliant agility in translating the nation's mood of the moment into action; but that is hardly statesmanship." The Washington Conference is regarded as a type of the "new diplomacy," and Balfour as the fortunate British expounder of this new diplomacy. The author sees in the support of the League of Nations the guiding principle of British policy which will supplant the balance of power.

It is not easy to put recent events in an intelligible perspective. This book has succeeded in an exceptional degree without destroying the pen pictures of the leading participants. The maps are excellent and very serviceable. The index is good. It is always less satisfactory to have the references printed at the end of the parts rather than as footnotes upon the pages upon which their numbers are indicated. The portraits of Salisbury and Lloyd-George represent types of the "Old and New."

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The Decadence of Europe (Henry Holt, pp. xlii, 302), by Francesco Nitti, the former prime minister of Italy, is a criticism of the treaty of Versailles and an indictment of the post-war policies of France. These are the principal threads which run through the entire volume and the book is even more of a brief for Germany than the author's earlier work on *The Wreck of Europe*. The most important "crimes" of the treaty of Versailles, in the opinion of the author, are the ceding of the Saar mines to France, the division of Upper Silesia between Germany and Poland, and the provisions concerning reparations which are regarded not only as infamous in themselves but which have been unjustly administered by a prejudiced reparations commission. These provisions, it is held, spell ruin and bankruptcy for the German people and constitute one of the chief factors in the decadence of present-day Europe as well as threatening civilization in general. Signor Nitti attacks the League of Nations as organized today, the chief object of which is "to protect the rights of the victors and to give an appearance of legality to every abuse." He is bitter in his denunciation of the wrongs committed in the occupied areas by the French, especially the extravagance and expense involved, and regards the invasion of the Ruhr as a "violation of the rights of nations and an offence against the treaty itself." "The question of the Ruhr," he says, "should be laid bare in its true aspects. It is at the root of the schemes which, under the name of 'Reconstruction Policies' are actually policies of dissolution" (p. x). In the closing chapter on "Paths of Reconstruction" the author concludes as follows: "A general cancellation of the debts and reparations of the victors and the vanquished, an immediate renunciation of all military occupations and of the control of the internal affairs of Germany and the other defeated states can swiftly transform the situation. America, especially if she coöperated with Great Britain, has all the means of imposing peace" (p. 287). It is needless to state that the book is written with a decided bias or bent of mind and with an obsession as to the "iniquities" of France, but at the same time the author must be given credit for his almost brutal frankness and consistency in setting forth his views.

The Futurism of Young Asia and Other Essays on the Relations between the East and the West (Berlin: Julius Springer, 1922, pp. x, 398), by Benoy Kumar Sarkar, is a collection of more or less miscellaneous papers, political, historical, literary, philological, and scientific, by an erudite and prolific young Indian scholar. Most of them had their origin in addresses delivered in American universities or before various clubs and societies, and a number had already been published in American or

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Indian reviews or journals. The *leit motif* of the volume, we are told in the preface, is "war against colonialism in politics and against orientalism in science." So far as there is a common theme in the political essays it may be said to be a protest against western domination of Asia. He complains that the whole of the Orient from Tokyo to Cairo is a continent of subject peoples whom the occidental races regard as inferior to themselves. Asia's greatest need is to be emancipated of foreign control and her territory should be evacuated by the armies, navies, and air fleets of Europe and America. "Every inch of Asian soil should be placed under a sovereign state of the Asian race, no matter whether sovietic-communal, republican, monarchical, democratic or autocratic." Western domination of Asia is the "greatest peril the world has ever known," and until this domination has been terminated there can be no discussion of fundamental peace terms.

These opinions extracted from various of the more distinctly political essays indicate the author's point of view in respect to the problem of Asia. The wide range of subjects intelligently discussed in the volume reveals evidence of unusual versatility on the part of the author. Unfortunately, he frequently employs a terminology which mars in a sense the literary quality of his work. Thus one finds such words as "Eur-America," "quietism," "albinocracy," "futurism," and others which are enough to irritate the calmest of readers.

J. W. G.

Harper and Brothers have published a book full of positive and challenging statements by Irving Fisher, entitled *League or War?* (pp. 268). It is a distinctly pro-League of Nations book. Many of the questions which it raises must be answered in the United States in the near future. The present or prospective conditions in Europe and elsewhere seem in large measure to justify Professor Fisher's conclusions that "the United States should enter the League for many reasons of self-interest, namely, —(1) to keep a foreign market for our farmers and manufacturers; (2) to enable Europe to pay some of its debts to the United States; (3) to maintain our greatest international asset, international good will; (4) to avoid the need of a costly navy and army; (5) to avoid wars which would injure and probably involve ourselves." If these conclusions be true, then mere party politics cannot long face the consequences.

G. G. W.

B. W. Huebsch has published a small volume entitled *The Falsifications of the Russian Orange Book* (pp. xiii, 77), edited by Baron G. von

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Romberg. The book contains copies of telegrams and messages sent from the Russian minister at Paris to the Russian minister for foreign affairs between July 11 and August 2, 1914. It attempts to "destroy fundamentally once and for all the legend of a German surprisal of unsuspecting France" and to prove "that from the first she (France) was determined to make war and had advised Petersburgh accordingly before any decision about war or peace had been reached." Francis Neilson's *Duty to Civilization*, published by the same company, is written in much the same vein. The extremely immoderate tone of the book and the point of view of the author are found in the statement: "This evidence proves beyond the shadow of a doubt that the war was engineered by Isvolsky, Poincaré, Sazonov, Viviani, Grey, and Sir Arthur Nicholson. These men assisted by their military and naval chiefs planned the war and began the war. . . . . It would be hard to find in the annals of political crime, six more hardened criminals than those I have mentioned above." Another Huebsch book is *India in World Politics* by Taraknath Das, in which the author sets forth the nationalistic aspirations of India and pleads the cause of self-government. His conclusion is that "India has a higher destiny than merely to be a factor in the British Imperial system, providing balance of power in Asia, Africa or Europe to Britain's advantage. Her future is to play a part in world politics independently" (p. 130).

The Principles of International Law (pp. xix, 766), by the late T. J. Lawrence, has been revised for D. C. Heath and Company by Percy H. Winfield. The editor has attempted to add the most important changes in international law since 1910, the year in which the last thorough revision of the book was accomplished, and special attention is given to the developments during the World War. For this latter purpose frequent reference has been made to Garner's *International Law and the World War*. In addition to minor changes throughout the volume certain chapters are almost wholly new, such as those on "Peace and the Means of Preserving Peace," "Trade in Contraband of War," and certain large portions of the chapter on "The Agents, Instruments, and Methods of Warfare," particularly the sections on submarines, poisonous gases, and the sanctions of the laws of war. The first of the chapters above mentioned contains an interesting account of the League of Nations and its results. Out of justice to the author and reviser all new parts of the text have been inserted in brackets. This revision by a competent authority assures the continued usefulness of a textbook which has already proved its merit by going through seven editions.

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Mr. Thomas H. Dickinson has written a book called *The New-Old World* (Dutton, pp. 167), in which he surveys, in a journalistic manner, present conditions in the new Baltic republics and the succession states of the Austro-Hungarian Empire. He emphasizes the social side of the question, particularly housing problems, the expropriation of landed estates, infant mortality, maternity legislation, health conditions, and intellectual life. He says that Europe is now a wilderness of waifs, and that if it is to be reconstructed, a new character on the part of the younger generation must be created.

Dr. E. J. Dillon, the author of *President Obregón, A World Reformer* (Small, Maynard & Co., pp. 350), calls his hero's name "a clarion for men of order and law." In these pages one can learn that Mexico is for Mexicans; that the United States behaved very badly in Haiti; that Obregón is a "moral" man (whatever that may mean); and that—and this is the best thing in the book—Obregón is an ardent believer and substantial supporter of education.

Cases on Taxation by Joseph Henry Beale (Harvard University Press, pp. 510), is intended primarily as a case book for law school students and is divided into seven chapters, each purporting to contain decisions of the federal and state courts dealing with particular phases of taxation. The chapters are: I. Tax on Person; II. Tax on Property; III. Excise Tax; IV. Inheritance Tax; V. Obligation of a Tax; VI. Remedies for Illegal Taxation; VII. Federal Income Tax. Much more emphasis is placed upon Chapter II than upon any other part. It contains 240 pages and is divided into sections as follows: Real Estate, State Tax on Foreign Held Bonds, Assessment, Exemption, and Income Tax. In choosing this collection of cases on taxation from the vast number in existence the author has not attempted to establish any theories of his own either of justice or expediency, or to trace a development over a period of time, but merely to provide the student and teacher of a course in the law of taxation with a complete and carefully chosen collection of decisions. Judged from the point of view of the purpose for which the book was prepared, it is worthy of the highest praise. It is regretted, however, that Professor Beale did not see fit to make the book somewhat more useful to the general student, for it does not include a table of contents, a list of cases, nor index. As a reference book, therefore, the volume loses some of its value because of the difficulty of locating the desired material. As a pure case book, however, it does not have its equal.

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Professor F. W. Taussig has revised his excellent and standard *Tariff History of the United States* (Putnam's, pp. xi, 499), so as to include a consideration of the Tariff Act of 1922. Professor Taussig is critical of the 1922 tariff, especially of the high duties on many articles, and of its avowed purpose "to equalize the differences in costs of production," which is weak from the point of view of economic principle and almost impossible of administration. The author brings out one fact which is not generally known, namely, the valuable service rendered to Congress by the tariff commission in improving the technical form of the Tariff Act of 1922 through a redrafting and codification of the provisions of the act having to do with the administrative features of the customs system, thus bringing order into the previously confused mass of legislation.

Woman Suffrage and Politics: The Inner Story of the Suffrage Movement, by Carrie Chapman Catt and Nettie Rogers Shuler (Scribner's, pp. xxii, 504) is a somewhat militant account of the long struggle for the enfranchisement of women in the various states and in the nation, together with an interpretation of the political issues and movements which have run parallel to this struggle. In the foreword the authors ask the question: Why was the United States the 27th instead of one of the first countries to adopt woman suffrage? In the conclusion they state: "We have brought together the evidence that the answer to our question in the foreword to this book is—politics." At the same time it is shown that suffrage could not have been won without the assistance of leading party members. These conclusions and the chief events in the fight for suffrage are the principal themes of the book. The chapters entitled "The Thirty-sixth State" and "Tennessee" indicate, however, that those most active in the suffrage movement had themselves learned to use most effectively some of the methods and agencies of practical politics. As a whole the book is an interesting summary and interpretation of the equal suffrage movement in America.

The Negro in Tennessee, 1790–1865, by Caleb Perry Patterson (University of Texas Bulletin, No. 2205, February 1, 1922, pp. 213), is a valuable publication from the point of view of presenting numerous facts as to the legal, social, economic, and religious condition of the negroes in colonial-western-North Carolina and Tennessee down to 1865. It probably contains some bias in such observations as that the negro was not prepared for citizenship in 1865 and that the free negro was more disadvantageously situated than the slave. However, the author does

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not exactly take the position that the negro was better off slave than free; and he almost reaches a self-contradictory conclusion in the statement that the Tennessee negro, whether slave or free, was making progress. In addition to the customary procedure of those usually writing on the free negro, the author has discussed in detail the status of the negro at various stages in his development; but on account of this very treatment, he has rendered his dissertation difficult of reading because of his encyclopedic method and apparent repetition. For those who desire to know more about the negro race and the history of Tennessee as it was influenced thereby this volume is, however, excellent reference material.

C. G. W.

William Plumer's Memorandum of Proceedings in the United States Senate, 1803–1807 (University of Michigan Publications: Macmillan) has been edited by E. S. Brown. This diary was intended by its author, a New Hampshire member of the Federalist opposition in the Senate, to provide him with a brief record of the proceedings and of the more significant debates in the Senate during the eighth and ninth Congresses. There are many notes on such subjects as the Louisiana Purchase treaty, the organization of the new territory (Plumer's abstract of this debate has already been published in Volume XXII of the *American Historical Review*), the Twelfth Amendment, the impeachment trials of Judges Pickering and Chase, Tripolitan relations, and the bill of 1806 for the purchase of Florida. There is also interesting material in the more personal memoranda setting forth the author's opinions and the gossip of the capital, such as the entries concerning Aaron Burr. The use of the diary on these and many other matters is facilitated by a full, analytical index.

A former governor of West Virginia, William A. MacCorkle, has undertaken the defense of the fifth President in relation to his part in the conception of the Monroe Doctrine. In *The Personal Genesis of the Monroe Doctrine* (Putnam's, pp. v, 102), he sets forth the claim of President Monroe to be the real "originator and active controlling, dominating power in his Administration" for the doctrine which bears his name. There are numerous quotations from the sources to prove his thesis, largely from Monroe's own letters and state papers, and Adams' diary. The absence of citations and an index reduce the value of the book as a footnote to history.

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Arthur Hendrick Vandenberg has followed up his book of two years ago on *The Greatest American: Alexander Hamilton* with a second volume entitled *If Hamilton Were Here Today* (Putnam's, pp. xxxv, 366). In the latter work the author sets forth his interpretation of the attitude which Hamilton might take in regard to important constitutional questions and problems of the present. Reasons are advanced to explain why Hamilton would oppose the recent attacks upon the Supreme Court; why he would object to any curtailment of debate in the United States Senate, or to a reduction of the powers of that body; the grounds upon which he would reject the proposal for the direct election of the President; why he would look with disfavor upon any program "seeking to tie American destiny into the political fates of the Old World, or to make us party, directly or indirectly, to any compelling moral obligations that involve trans-oceanic partnerships;" and the steps which he would take to solve our perplexing problems of national finance. What the author has really done in an interesting and ingenious manner is to give us his own views on these various issues supported by frequent reference to Hamilton's writings and public utterances.

The Yale University Press has published a pamphlet on *A Constructive Immigration Policy* (pp. 46) by Maurice R. Davie. The author is of the opinion that the literacy test and the present quota system are ill advised as permanent measures and should be given up in favor of a highly individualized selective policy through mental and physical tests given for the time being in this country at the port of entry but eventually abroad. "An improvement of the whole situation," says the author, "seems to . . . . lie in developing the principle of selection, and in putting our immigration laws squarely on an individual basis" (p. 45). The author passes over rather hastily the burden which such a policy would place upon our already inadequate facilities for handling immigrants.

Professor Joseph R. Long of Washington and Lee University has written a textbook for use in high schools, entitled *Government and the People* (Scribner's, pp. xi, 464). In addition to the portions describing the structure and workings of our national, state, and local governments, there are several chapters devoted to special topics such as "Commerce, Business and Communication," "Labor, Capital and Industry," "Social Problems and Regulation," "The People of the United States," "Natural Resources," and "Foreign Relations of the United States." The book is well planned and written in a clear, straightforward manner. Some of the topics are rather superficially treated, such as the discussion of

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sources of state and local revenue which is given less than two pages, while the subject of tax exemptions receives about two and one-half pages; the recent movement for state administrative reorganization receives only a bare mention and the new national budget system is disposed of in one sentence. But these subjects are perhaps too complicated to warrant detailed discussion in a high school text.

Robert M. McBride and Company have published two books which will be of interest to persons desirous of obtaining the German point of view as to the causes and outcome of the World War. *Comparative History, 1878–1914* (pp. 190), by the ex-Emperor of Germany, is a table of events outlining European history from the Congress of Berlin in 1878 to the outbreak of the war in 1914, and is the defense offered by William against the indictment of the world. Part II is devoted to a summary of events, alleged remarks, messages, and official orders in which the ex-Emperor attempts to prove that the war was forced on him by Russia, England, and France; that these countries had been making preparations for some time, and that he made every effort possible to bring about a peaceful compromise during July, 1914. In the words of the publisher: "How far, if at all, the defense succeeds must be left to the judgment of the reader." The second of the books above-mentioned is *My War Experiences* (pp. 363) by the former Crown Prince William of Germany. This book does not seem to have been written so much as a piece of propaganda, but rather as a personal account of the Crown Prince's experiences in the war as commander of the Fifth Army and later of an army group composed of three armies. About a third of the book is devoted to the battle of the Marne, and other campaigns which receive especial attention are the battle of Verdun, the German offensive in 1918, and the counter offensive of Foch. There are some seventeen sketches and maps inserted throughout the work. The publishers are to be congratulated on the form and typography of the volumes.

The World of To-day Series, edited by Victor Gallancz, has added to its list of publications a booklet by Herman Finer on *Foreign Governments at Work* (pp. 83), and one by Roger H. Soltau on *French Parties and Politics* (pp. 78). The publisher is the Oxford University Press. Mr. Finer discusses in a general and somewhat sketchy way the workings of the governments of France, Germany, and the United States. His information in regard to the United States seems to have been drawn

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mostly from older works such as Bryce, *American Commonwealth;* Wilson, *Congressional Government* and *Constitutional Government;* Ford, *Rise and Growth of American Politics;* and Fairlie, *National Administration.* His conclusions in regard to the United States are decidedly critical and unsympathetic and leave in many respects an erroneous impression. In his opinion "American government is not adequate to the needs of the country" because "separation of powers stultifies governmental action;" no provision is made for "legitimate privileges" to groups; there is too much of the "dollar standard," and the "political institutions therefore tend to become glorified commercial institutions in an atmosphere of industry run by private enterprise. Congress and the courts, in this background, become in great measure instruments of people who can pay for them; yet it is those who cannot pay for them that need them most" (p. 80). Mr. Soltau's book gives in brief space a very careful and readable account of the history and present status of French politics. In concluding he points out that the violence of party conflict in France has not abated as a result of the war; that a large part of this violence lies in the fact that there "has rarely been a middle party able to prevent either extreme from pursuing its policy in flagrant disregard of anybody else's interests," and that the need of France is for real national unity which can come only by "her recognition in her institutions of the extraordinary richness and variety of her national life and genius" (p.78).

The Cambridge University Press has published a volume of *Tudor Constitutional Documents, A.D. 1685–1603,* with an historical commentary by J. R. Tanner, Litt.D. (pp. xxii, 636). This handsome volume admirably fills a long-felt want, a judicious selection of English constitutional documents from 1485 to 1558 on a scale larger than that of the more general collections with their meagre extracts for these years. It also covers the reign of Elizabeth and here invites comparison with the late Sir George Prothero's *Select Statutes.* It is high praise indeed to say that it does not suffer by the comparison. Dr. Tanner's method, unlike Prothero's, is to preface each document by a note indicating its place and importance usually with an excellent and up-to-date bibliography covering the periodical literature as well as separate works. This method has the effect of concealing somewhat the high order of the editor's work, but it undoubtedly makes it easier to use the book in connection with the narrative history, and this is its chief purpose.

Among the recent Research Publications of the University of Minnesota is a volume containing the *Commons Debate for 1629* (Studies in

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the Social Sciences, no. 10, pp. viii, 304), edited by Professor Wallace Notestein of the University of Minnesota and Frances Helen Relf of Lake Erie College. This work attempts to collect all the unprinted data bearing directly on the proceedings of the House of Commons during 1629, and is a most valuable contribution to the source material of English constitutional history.

The second volume of Ramsay Muir's *Short History of the British Commonwealth* (World Book Co., pp. 814) has been published. This covers the period from the beginning of the American Revolution down through the World War. It was a difficult and extensive task that the author set himself—to trace the political and social history of the various members of the British Empire and to give an adequate idea of conditions in other lands which influenced the events under discussion. The task has been admirably done, but at times one could wish that the limitations of space did not require such brief treatment, for there are so many facts to be crowded in that some of them lose something of their importance in the mass. While Professor Muir maintains a very impartial attitude between Liberals and Conservatives, he is decidedly Tory and has no use for the Whigs until they were "unwhigged" by Peel's Liberal party. This Tory point of view is not one that will appeal to American readers, for however far one may have gotten away from grade-school history, one does not enjoy being put constantly in the wrong, to have grievances and victories minimized, and Cornwallis' surrender due entirely to a blunder of the admiralty at home!

The lectures given by the geographer and statesman, Count Paul Teleki, at the first Institute of Politics at Williams College, have been published by the Macmillan Company under the title of *The Evolution of Hungary and Its Place in European History* (pp. xxiii, 312). The book treats briefly of the geographical features and early history of the country and more fully of her modern political evolution, recent economic conditions, racial and religious problems, and post-war developments. Count Teleki is of the belief that Hungary's recent fate had its beginnings in her recolonization with non-Magyar people by the Austrians during the sixteenth century. A very interesting chapter is that on "The Racial or Nationality Problem as Seen by a Geographer." There is a most exhaustive bibliography covering over sixty-five pages with about nine hundred titles.

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The Mirrors of Moscow (Thomas Seltzer, pp. 209), unlike the English and American *Mirrors*, is written from a sympathetic rather than a critical viewpoint. The author is Louise Bryant, the widow of John Reed, an American who was close to the Bolsheviki until his death in Russia a few years ago. Perhaps the most suggestive sentence in the book is one which says nothing about Russia. It is about Litvinov, the assistant minister of foreign affairs: "He has a wife and three children living in Copenhagen, and maintains a perfectly conventional household." Is Copenhagen the nearest point to Moscow at which a conventional Russian household can be maintained with safety?

D. C. Heath and Company have published as a textbook for high school or beginning college classes a *History of the Far East* (pp. ix, 173), by Hutton Webster of the University of Nebraska. The book is not intended as a comprehensive treatise but merely as a medium for introducing the reader to the historical and political evolution of India, China, Indo-China, Korea, Japan, and the islands of the Pacific. The final chapter discusses present-day problems under the heading "The Far East in World Politics." Anyone desiring a lucid and simple description of the development of the Far East and its contributions to civilization will find the book of interest.

Vicente Pardo Suárez, in his book on *La Eleccion Presidencial en Cuba* (pp. 298), lays the blame for most of Cuba's political disturbances on the lack of a constitutional provision forbidding the reëlection of a president. Another disorganizing factor which he stresses is the fact that the defeated party at an election is loath to turn into a minority as we understand it, but prefers a "*retraimiento*," or retreat into private life whence it can plot and plan with not always peaceable results.

Two scholarly and interesting volumes on *Derecho Administrativo* are those written by José Gascón y Marin (Madrid: Hijos de Reus). These studies are based upon Sr. Gascón's lectures in La Universidad Central. The first volume (2d ed., revised, 1921, pp. 481) deals with the principles of administrative law and with Spanish legislation upon that subject. The second volume (1922, pp. 255), on *Organizacion Administrativo*, discusses the law and workings of Spanish national and local administration as well as the theory of administration. Of special value are the comparisons to theories and conditions of other countries. As in his first volume the author has shown his acquaintance with

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American, English, French, German and Italian authorities. Since the original publication of the first volume on *Doctrina General*, Sr. Gascón has also published an *Estudio Jurídico de la Municipalizacion de Servicios en España.*

Teachers and students of municipal government, as well as those concerned with the broader aspects of city planning, will find an unusually large amount of valuable material in *London of the Future* (Dutton, pp. 286), issued by the London Society, an organization which exists for the purpose of interesting the public and the governing authorities in the present and future physical developments of the great English metropolis. The book is made up of contributions from eighteen different authorities and is edited by Sir Aston Webb. Among the most readable and useful parts of the volume are the chapters on "Roads, Streets and Traffic of London," setting forth the present system and the need for improvements in traffic thoroughfares; "The Port of London;" "Some Thoughts on the Development of London," by Raymond Unwin, the well-known city planner; "The Housing of London;" "The Government of London;" "The Parks and Open Spaces of London;" and the "Spirit of London." The result is an interesting and thorough civic survey of greater London by the most competent of observers, describing "what actually exists within that vast and teeming area; what might be; and what cannot be from the loss of opportunities that can never recur." While the greater part of the work deals with needed improvements in regard to streets, public buildings, parks, and bridges, it is pointed out that in designing such improvements those in charge "ought to revere, and so far as possible conserve, what is left of the London of the past." There is a carefully chosen collection of maps and illustrations.

The Destiny of the American City by J. F. Hessell (Municipal Problems Publishing Co., pp. 352), is a series of short articles dealing chiefly with present and future problems of American municipal life and development such as "Public Improvements," "Transportation Problems," "The City and the Tax Problem," "The City and the Open Shop," "City Zoning," "The City and the Alien," "Commission Government," "The City Manager Plan," and "Bureaus of Municipal Research." Some of the topics, as "Federal Subsidies," "Sub-Normal Efficiency of Labor," "Arbitrations and Legislative Commissions," are only remotely connected with city government. There are some startling statements

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in the book, such as the fact that Canton, Ohio, reduced its budget one year by $86,000,000 (p. 127). According to the *Financial Statistics of Cities for 1921*, published by the United States Bureau of the Census, the governmental cost payments of Canton for 1920 were only $3,846,251 and the non-governmental cost payments only $1,351,285. On page 323 there is evidently a mistake in regard to the debt of Springfield, Ohio. These errors together with a tendency toward over-generalization mar the usefulness of the book.

The Ninth Yearbook of the City Managers' Association (pp. 255) will prove indispensable to students of municipal government. It contains a map of the United States showing the location of the city manager municipalities of this country and Canada, and a foreword summarizing the progress of the plan by states and by years. Nine articles set forth the success of the manager plan in representative cities. Most of the volume is devoted to the publication of the proceedings of the ninth annual meeting of the association. There is added a copy of the constitution of the association, a list of subscribing members, and a directory of city manager cities corrected to April, 1923. Attention is called to the fact that the permanent secretariat of the association is established at Lawrence, Kansas, with Mr. John G. Stutz as executive secretary.

Studies on Building Height Limitations in Large Cities (pp. 299), compiled by Charles M. Nichols and published by the Chicago Real Estate Board, is a most valuable contribution to the literature in the field of city planning generally and zoning in particular. The volume consists largely of data in regard to height of building restrictions in various American and European cities and the opinions and testimony of numerous experts, real estate owners, and private citizens relative to the effect of such regulations in cities already zoned and their probable effects in Chicago. Both sides of the question are given careful consideration with the result that the book is the most complete collection of material on the building height problem that has thus far appeared.

Leon and Elizabeth Gertrude Stern, under the title *A Friend at Court* (Macmillan, pp. x, 335), have written in story form an unusually interesting account of the work of a probation officer attached to a municipal court in one of our largest cities. According to the authors each of the twenty chapters represents an actual episode. The result is a novel of

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absorbing interest not only to the general reader, "but a casebook as well for the student, social worker, and probation officer."

Basil Thomson, who was in charge of the Criminal Investigation Department of Scotland Yard during the period of the World War, has written his story in a book entitled *My Experiences at Scotland Yard* (Doubleday, Page, pp. x, 359). This volume contains material of interest to students of criminology and police administration as well as including numerous episodes connected with the activities of spies during the war. The result is a book which reads like a Sherlock Holmes story. In one account the author indicates that city labor is much alike in all countries. Desirous of obtaining information in a quiet suburban district without attracting undue notice, several detectives attired in suitable clothes and armed with pick-axes were put to work digging up the roadway. No one paid any attention to their long stay in the street because "their leisurely method of work must have convinced the bystanders that they were genuine employees of the Borough Surveyor."

Psychology and Politics by the late W. H. R. Rivers (Harcourt, Brace, pp. vi, 181), is a collection of six essays, three of which were delivered shortly before the death of the author, upon his candidature for the House of Commons upon the Labor ticket from the University of London. They constitute, in the words of his biographer, G. Elliot Smith, "surely the most remarkable form of appeal to parliamentary electors in the history of politics!" The first essay pins its title to the book; the other two deal with "Instinct in Relation to Society" and "The Concept of the Morbid in Sociology." The author's general conclusion is that "at the present stage of our inquiry, and probably for a long time to come the student of pure inductive sociology is, and will be, able to do far more for a science of social psychology than at present, or for some time, the psychologist can do for a science of sociology." As a psychologist, however, he suggests several lines of inquiry in which psychology may aid in determining questions of political interest: the constitution of committees, their proper powers (whether executive or advisory), the "defense-mechanism" of "red tape," in short, problems of concrete "political behavior." The lectures are pertinent reminders of what Graham Wallas, Charles E. Merriam, and others are urging—the careful analysis of specific political actions and reactions in terms of available psychological data.

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A recent addition to the Everymans Library is a useful collection of about seventy-five readings on *The Growth of Political Liberty* (Dutton, pp. xviii, 331) selected and edited by Ernest Rhys. The purpose of the author is to trace the "slow political growth of the common folk, from the folk-right assigned in the old 'Dooms' of Alfred and Edgar; to the fuller liberty given them by the 'Acts' of Parliament in our time." All of the readings are taken from first-hand sources, or from the chronicles of well-known writers and historians. The first important selection includes a description of "The Witenagemot" from Edward A. Freeman's *Norman Conquest*, while the final pages are devoted to a discussion of civil, personal, and political liberty from Lord John Russell's *Essay on Government.*

In *The Decay of Capitalist Civilization* (Harcourt, Brace, pp. xvii, 242), Sidney and Beatrice Webb present their indictment of the capitalist system. The separate counts are: poverty, inequality of incomes, disparity in personal freedom, failure to maximize production, and international and class warfare. Readers who are not already socialists may feel that indictment is not conviction. The authors devote much space to the obvious evils in the world, but do not add anything to previous attempts to prove that private property is their cause. Original is the opinion that "there was a moment, roughly placeable at the middle of the nineteenth century, when it (capitalism) could claim that, in a hundred years, it had produced, on balance, a surprising advance in material civilization for greatly increased populations," and "that from that moment to the present it has been receding from defeat to defeat" (pp. xii-xiii). Now it is not only practical but indeed essential, the authors conclude, to substitute for the "Court of Profit" the twin courts of "Efficiency Audit" and "Professional Honor" (p. 230).

The second volume of *Bracton's de Legibus et Consuetudinibus Angliae* (pp. xi, 449), containing the first portion of the text of Bracton's book, edited by George E. Woodbine, is published by the Yale University Press and makes volume three of the *Yale Historical Publications: Manuscripts and Edited Texts.*

The History of Conspiracy and Abuse of Legal Procedure, by Percy Henry Winfield, LL.D. (Cambridge University Press, pp. xxvii, 219), forms the first volume in the series of Cambridge Studies in English Legal History, edited by Dr. H. D. Hazeltine. The author has with rare

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skill traced the history of the early development of the English law of conspiracy. To find one's way through the winding and intricate labyrinths of early English legal procedure to correct the abuses of which the doctrine of conspiracy was evolved and in which its development is inextricably intertwined, is by no means an easy task; to point the way to others so ably as has Dr. Winfield is an achievement which evidences the rich scholarship of the author. The growing importance which the crime of conspiracy is coming to play, particularly with reference to labor cases, and the dangerous unpredicability which comes from the present shapelessness of this crime in Anglo-American law, lend peculiar value to Dr. Winfield's scholarly contribution.

F. B. S.

Among the recent publications of the Carnegie Endowment for International Peace is Eli F. Heckscher's *The Continental System: an Economic Interpretation*, edited by Harald Westergaard (Oxford: Clarendon Press, 1922, pp. 420). The author was seriously handicapped in having to produce this book from only such materials as were to be had in Sweden at a time when it was difficult to obtain books from abroad. It does not pretend to be comprehensive, especially as regards American policy in Napoleon's day, which is only briefly treated. The effects of the Continental System on northern and eastern Europe, and on trade in the Baltic, are clearly brought out, and we find ourselves wishing, with the author, that "the great history of Gothenburg that is now being planned" were completed and available. One expects to find in this book a comparison between the continental blockade of more than a century ago, and the blockade during the recent war; the comparison is here aptly and interestingly made. Professor Heckscher maintains that the principal reason why the latter was not so futile and ineffectual as the former is to be found in the increased powers of governments today.

The C. A. Nichols Company has issued the third and fourth volumes of *The New Larned History for Ready Reference, Reading and Research* (Vol. III, Chopin to Elec, pp. 1735–2638; Vol. IV, Electrical to Frob, pp. 2639–3542), the principal features of which were described in an earlier number of this *Review* (XVI, 728, Nov., 1922). These volumes maintain the same high standard of those that have already appeared. The most recent books and authorities have been made use of and there is much helpful data for students of government arranged in easily

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accessible form throughout the work. For example, at the close of the 100-page section devoted to Europe there is a discussion of the economic, political, and social developments following the World War, together with a large size map of the new Europe.

Causes and Cures for the Social Unrest (Macmillan, pp. 287) by Ross L. Finney, is an appeal to the middle class for the development of a social system and standards of living and thought which will steer a middle course between socialism and individualism. The Macmillan Company has also published a translation of Rudolph Steiner's *The Threefold Commonwealth* (pp. xl, 206), in which the author offers his solution for the social, political, and economic problems of the future. Although the author warns the reader that his purpose is not to set up a utopia the result is not far from that end.

There is a common belief that the day of the local newspaper has passed and that its place has been taken by the large metropolitan daily. *The Community Newspaper* by Emerson P. Harris and Florence Harris Hooke (Appleton, pp. xiv, 378), and *The Country Newspaper* by M. V. Atwood (A. C. McClurg, pp. 137), show, however, that the local paper is still an indispensable element in the life of a community and indicate the manner in which it should be conducted and developed so as to render the largest amount of public service. In *The Community Newspaper* students of local government will find the sections on "The National Importance of the Town," "The Newspaper and Local Government," "The Newspaper and Public Utilities Corporations" of especial interest, while the most useful chapter for such students in *The Country Newspaper* is that on "Its Value to the Community."

The Charity Organization Movement in the United States by Frank D. Watson (Macmillan, pp. x, 560), traces in a most thorough and readable manner the history and development of the various societies which have been created for the purpose of securing coöperation between individual charitable associations, and also explains the functions, methods, and results of such agencies. In the last chapter the author concludes that "the charity organization movement, modestly starting as an agency to systematize the giving of relief, by the very nature of its intensive work with dependent families has become a mighty force as an interpreter of social conditions, and a creator of sound public opinion in matters of social reform" (p. 540). The book contains much useful information for students of municipal, county, and state administration.

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The American Standard of Living and World Coöperation by Rosalie Jones (Cornhill Publishing Co., pp. xviii, 329) has for its thesis the idea that "differing standards of living build our tariff wall, and restrict our immigration, and high tariff and restricted immigration measures, in turn, prevent international unity and bring strife and conflict. . . . . There is a crying need, therefore, to make the standards of living more uniform." There is considerable interesting material gathered together from widely scattered sources but the author has perhaps emphasized the standard of living to the exclusion of other factors causing international dissension and has not set forth any very practicable methods for making standards of living more uniform other than the general suggestion of world coöperation.

Outlines of American Foreign Commerce (Ginn & Co., pp. 321) by Ávard L. Bishop, is a distinctly useful book for "mature beginners in the study of foreign commerce," the audience which the author has first in mind. It covers a broad range of material: our natural and industrial resources, the broad movements in our foreign trade during the last few decades, the development of transportation, the financing and promotion of foreign commerce, and our commercial policy. Such a wide field could not, of course, be discussed more than summarily in so brief a space. However, the outstanding features in each subject are presented, and presented well. Particularly to be commended is the emphasis Professor Bishop places upon the import trade and upon the comparative significance of domestic and foreign commerce.

The International Trade Balance in Theory and Practice, by Theodore H. Boggs (Macmillan, pp. 214), is an interesting though somewhat meager statement of the theory of the balance of international payments, and of its application in the case of the United States, the United Kingdom, India, and the British self-governing colonies. The book is useful chiefly for a general survey of the subject.

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RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

CLARENCE A. BERDAHL

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books

Barnes, Uriah, ed. Barnes' federal code. 1923 supplement. Indianapolis, Bobbs-Merrill Co.

Beale, J. H. Cases on taxation. Pp. 511. Cambridge, Harvard Univ. Press.

Bradford, Gamaliel. Damaged souls. Boston, Houghton Mifflin.

Clarkson, Grosvenor B. Industrial America in the world war. Boston, Houghton Mifflin.

Dawes, Charles G. The first year of the budget of the United States. N. Y., Harper's.

Egerton, H. E. The causes and character of the American revolution. London, Oxford Univ. Press.

Frankfurter, F. District of Columbia minimum wage cases . . . . brief for appellees. Pp. 453. N. Y., Nat. Consumers' League.

Ghent, W. J. The reds bring reaction. Princeton, Princeton Univ. Press.

Griffin, Solomon Bulkley. People and politics: observed by a Massachusetts editor. Boston, Little, Brown & Co.

Hassert, Kurt. Die Vereinigten Staaten von Amerika als politische und wirtschaftliche Weltmacht geographisch betrachtet. Tübingen, J. C. B. Mohr.

Holmes, George E. Federal income taxes (ed. 1923). Indianapolis, Bobbs-Merrill Co.

Institute for Government Research. Service monographs of the U. S. government: *Bernhardt, Joshua.* The interstate commerce commission. Pp. xii + 169. *Conover, Milton.* The federal power commission. Pp. xi + 126. *Schmeckebier, Laurence F.* The public health service. Pp. xiii + 298. *Short, Lloyd M.* The bureau of navigation. Pp. xii + 124. *Smith, Darrell Hevenor.* The bureau of education. Pp. xiii + 157. *Smith, Darrell Hevenor.* The office of the supervising architect of the treasury. Pp. xii + 138. *Weber, Gustavus A.* The coast and geodetic survey. Pp. xii + 107. *Weber, Gustavus A.* The women's bureau. Pp. xi + 31. *Weber, Gustavus A.* The bureau of pensions. Pp. xi + 111. Baltimore, Johns Hopkins Press.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Lindbergh, C. A. The economic pinch. Philadelphia, Dorrance.

Long, Joseph R. Government and the people. Pp. 464. N. Y., Scribner's.

Macdonald, Austin F. Federal subsidies to the states. Philadelphia, World Printing Co.

MacVeagh, Rogers. The transportation act, 1920: its sources, history, and text. Pp. xxvii + 968. N. Y., Holt.

Montgomery, Robert H. Income tax procedure 1923. Pp. xxix + 1750. N. Y., Ronald Press.

National Conference of Commissioners on Uniform State Laws. Handbook . . . . and proceedings of the thirty-second annual meeting. Pp. 414. San Francisco.

Rowland, Dunbar, ed. Jefferson Davis, constitutionalist: his letters, papers, and speeches. 10 vols. N. Y., J. J. Little & Ives Co.

Sanderson, Dwight. The farmer and his community. Pp. viii + 254. N. Y., Harcourt, Brace.

Taussig, Frank William. The tariff history of the United States. 7th ed., rev. Pp. xi + 499. N. Y., Putnam's.

Towne, Charles Hanson. The rise and fall of prohibition. N. Y., Macmillan.

Articles

Agriculture. The proper sphere of governmental regulation in connection with the marketing of farm products. *E. G. Nourse.* Am. Econ. Rev., Supp. Mar.

Agricultural Bloc. Radicalism and the farm bloc. *John R. Commons.* No. Am. Rev. Apr., 1923.

Amendments. Proposed amendments to the constitution. *Editor.* Const. Rev. Apr., 1923.

Anti-Trust Laws. Federal anti-trust laws. *T. Walter D. Duke.* Va. Law Register. Apr., 1923.

———. The Sherman law and the Australian statute. *Felix H. Levy.* Va. Law Rev. Apr., 1923.

———. Anti-trust laws a protection to monopoly. *Edgar Watkins.* Central Law Jour. June 5, 1923.

Blue Sky Legislation. A review of the cases on "blue sky" legislation. *Montreville J. Brown.* Minn. Law Rev. May, 1923.

Boycott. Boycott—conclusions or emotions. *L. K. J.* Mich. Law Rev. May, 1923.

Butler. Damaged souls. V: Benjamin F. Butler. *Gamaliel Bradford.* Harper's. Apr., 1923.

Conscription. Military conscription, especially in the United States. *F. M. Cutler.* Hist. Outlook. May, 1923.

Constitution. Compromises of the constitution. *Randolph Harrison.* Am. Law Rev. Mar.-Apr., 1923.

Constitutional Law. Decisive battles of constitutional law. IV. Gibbons vs. Ogden. *F. Dumont Smith.* Am. Bar. Assoc. Jour. May, 1923.

Coronado Case. The Coronado coal case and its consequences. *George C. Lay.* Ia. Law Bull. Mar., 1923.

———. Labor unions, corporations—the Coronado case. *W. Lewis Roberts.* Ill. Law Quar. June, 1923.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Double Jeopardy. Double jeopardy in cases coming under both the eighteenth amendment and state prohibition laws. *E. H. Decker.* Ore. Law. Rev. Feb.

Elections. The voter's busy day. *William A. Robinson.* Independent. Mar. 31, 1923.

Federal Aid. Financial argument for federal aid to education: a criticism. *Rufus S. Tucker.* Am. Econ. Rev. Mar., 1923.

Federal Trade Commission. Price discrimination as unfair competition. *John Leland Mechem.* Mich. Law Rev. June, 1923.

Foreign Influence. Playing horse with American history. *Gino Speranza.* World's Work. Apr., 1923.

Foreign Service. The proposed consolidation of the diplomatic and consular services of the United States. *Robert Lansing.* Am. Jour. Inter. Law. Apr.

Governor. Governors of the south and far west. *William B. Shaw.* Rev. of Revs. Apr., 1923.

———. Governors' messages. *Ralph S. Boots.* Am. Pol. Sci. Rev. May.

Habeas Corpus. Habeas corpus as a means of having the federal courts pass upon state criminal convictions. *W. C. H.* Va. Law Rev. May, 1923.

Immigration. The revolt of the new immigrant. *Maurice G. Hindus.* Century. Apr., 1923.

———. Humanizing the immigration law. *Frances Kellor.* No. Am. Rev. June, 1923.

———. Bootleg immigrants. *James J. Davis.* Shall the immigration bars be lowered? *Burton Kline.* Rev. of Revs. June, 1923.

Impeachment. The impeachment trial of Samuel Chase. *R. W. Carrington.* Va. Law Rev. May, 1923.

Initiative and Referendum. The initiative and referendum and the elections of 1922. *Schuyler Wallace.* Nat. Mun. Rev. Apr., 1923.

Injunction. Legalized despotism in West Virginia. *John A. Ryan.* Catholic World. Apr., 1923.

———. Restraining the collection of federal taxes and penalties by injunction. *Clarence A. Miller.* Pa. Law Rev. May, 1923.

Interstate Commerce. What about the act to regulate commerce? *Walter E. McCornack.* Ill. Law Quar. Apr., 1923.

Interstate Disputes. The judicial settlement of disputes between states of the American union. *James Brown Scott.* Am. Jour. Inter. Law. Apr., 1923.

———. An American boundary dispute. Decision of the supreme court of the United States with respect to the Texas-Oklahoma boundary. *Isaiah Bowman.* Geog. Rev. Apr., 1923.

Judicial Decisions. When is a supreme court decision final? *R. Waite Joslyn.* Ill. Law Quar. June, 1923.

Judicial Review. Guardians of the constitution. *Lawrence T. Harris.* Ore. Law Rev. Feb., 1923.

———. The proposal to give congress the power to nullify the constitution. *Douglas W. Brown.* Guardians of the constitution. *Lawrence T. Harris.* Am. Law Rev. Mar.-Apr., 1923.

———. Congress and the judicial power of the supreme court. *Alexander Sidney Lanier.* Central Law Jour. Apr. 20, 1923; Va. Law Register. May, 1923.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Judiciary. The reorganization of our judicial system. *Edward Thomas.* Ky. Law Jour. Mar., 1923.

———. The time for removing cases to the United States district court. *Armistead M. Dobie.* Va. Law Rev. June, 1923.

Jury System. Abolish the jury. *J. C. McWhorter.* W. Va. Law Quar. Jan.

Ku Klux Klan. The ku klux klan. *Frank Tannenbaum.* Century. Apr.

———. Salesmen of hate: the ku klux klan. I. II. *Robert L. Duffus.* World's Work. May, June, 1923.

———. The klan on trial. *A. I. Harris.* New Repub. June 13, 1923.

Labor. Status of union labor before the law. *James M. Kerr.* Am. Law Rev. Mar.-Apr., 1923.

———. Law and the railroad labor problem. *Walter B. Kennedy.* Yale Law Jour. Apr., 1923.

———. Federal intervention in labor disputes. I. *Marjorie Jean Bonney.* Minn. Law Rev. May, 1923.

———. Labor and the courts. *David E. Lilienthal.* New Repub. May 16.

Legislation. Legislation in vague or general terms. *Ralph W. Aigler.* Mich. Law Rev. June, 1923.

———. Progress of American labor legislation. *John B. Andrews.* Am. Labor Legis. Rev. June, 1923.

Legislative Drafting. Punctuation in the law. *Urban A. Lavery.* Am. Bar Assoc. Jour. Apr., 1923.

Literacy Test. The New York state literacy test. *F. G. Crawford.* Am. Pol. Sci. Rev. May, 1923.

Minimum Wage Decision. The unconstitutionality of minimum wage laws. *S. A. G.* Pa. Law Rev. May, 1923.

———. The minimum wage: I. The U. S. supreme court decision. *John A. Ryan.* II. The situation in New York. *James F. Cronin.* III. The Oregon law. *Edwin V. O'Hara.* IV. The Massachusetts law. *Elizabeth Glendower Evans.* Catholic World. May, 1923.

———. The decision in the district of Columbia minimum wage law case. *W. C. H.* Va. Law Rev. June, 1923.

———. Minimum wage law for women as a violation of the fifth amendment. *F. M. P.* Mich. Law Rev. June, 1923.

———. Minimum wage and the constitution. *Thomas I. Parkinson.* Am. Labor Legis. Rev. June, 1923.

Monetary Policy. The current monetary policy of the United States. *Henry A. E. Chandler.* Econ. World. Apr. 7, 1923.

Naturalization. Race discrimination in naturalization. Parts I-III. *D. O. McGovney.* Ia. Law Bull. Mar., 1923.

Negro Problem. The negro problem as viewed by negro leaders. *Abram L. Harris.* Current Hist. June, 1923.

North Dakota. Early politics and politicians of North Dakota. *George B. Winship.* Quar. Jour. Univ. N. D. Apr., 1923.

Obligation of Contracts. The supreme court and contracts with the United States. *Ollie Roscoe McGuire.* Ill. Law Quar. June, 1923.

Ordinance Power. The emergency ordinance: a note on executive power. *James Hart.* Columbia Law Rev. June, 1923.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Philippines. Myself and a few Moros. I. II. *Sydney A. Cloman.* World's Work. Apr., May, 1923.

Police Power. Police power v. eminent domain. *M. D. L. F.* Calif. Law Rev. Mar., 1923.

———. Super-supreme law. *Rush C. Butler.* Ill. Law Rev. Apr., 1923.

Politics. Personal politics in Indiana, 1860 to 1880. *Adam A. Leonard.* Indiana Mag. Hist. Mar., 1923.

———. Some problems of the first republican presidential campaign. *Roy Franklin Nichols.* Am. Hist. Rev. Apr., 1923.

———. The progressive movement. *John F. Hylan.* Leadership and the democratic party. *Ronald Tree.* Forum. Apr., May, 1923.

———. Republican presidential possibilities. Republican presidential timber. McAdoo's chances for the democratic nomination. *Mark Sullivan.* World's Work. Apr., May, June, 1923.

———. Shadows of 1924. *John W. Owens.* New Repub. May 9, 1923.

———. Why the middle west went radical. I. The reasons for the political change in the agricultural districts. *Chester H. Rowell.* World's Work. June.

Porto Rico. Porto Rico after twenty-four years of American rule. *J. Enamorado Cuesta.* Current Hist. Apr., 1923.

———. Porto Rico under the stars and stripes. *Sylvester Baxter.* Rev. of Revs. May, 1923.

Primary. The presidential primary. *William Grant Brown.* Forum. May.

Prohibition. A new discovery. *George L. Hunt.* Am. Bar Assoc. Jour. May, 1923.

———. Why bootlegging flourishes. *H. L. Scaife.* Current Hist. May.

———. The rum smugglers. *Judson C. Welliver.* Rev. of Revs. June.

———. International aspects of prohibition enforcement. *E. D. D.* Mich. Law Rev. June, 1923.

Public Health. Doubling the guards on health. *Samuel Hopkins Adams.* World's Work. May, 1923.

Public Utilities. Commission powers and public utilities. *Ernst Freund.* Am. Bar Assoc. Jour. May, 1923.

Radicalism. Radicalism among the Polish Jews. *Burton J. Hendrick.* World's Work. Apr., 1923.

———. The real strength of American communism. *Edward Taylor Bullock.* Current Hist. June, 1923.

Railroad Problem. Three years of the transportation act. The answer to the railroad riddle. *George W. Anderson.* New Repub. Apr. 4, May 2, 1923.

———. Three years of the transportation act. *E. G. Buckland.* Yale Law Jour. May, 1923.

———. Plans for railroad consolidations. *William E. Hooper.* Rev. of Revs. May, 1923.

Recognition. International recognition and the national courts. *E. D. D.* Mich. Law Rev. May, 1923.

State Administration. Democracy in administration. *Jennie McMullin Turner.* Am. Pol. Sci. Rev. May, 1923.

State Compacts. One aspect of the Colorado river interstate agreement. *Samuel C. Wiel.* Calif. Law Rev. Mar., 1923.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

State Compacts. The Colorado river problem. *N. E. Corthell.* Am. Bar Assoc. Jour. May, 1923.

State Constitutions. The formation of the first state constitutions. II. *Editor.* Const. Rev. Apr., 1923.

Tariff. The tariff act of 1922. *Abraham Berglund.* Am. Econ. Rev. Mar.

———. Western Pennsylvania and the Morrill tariff. *I. F. Boughter.* West. Pa. Hist. Mag. Apr., 1923.

Taxation. Tax-exempt securities versus progressive income tax. *Robert Murray Haig.* No. Am. Rev. Apr., 1923.

———. State taxation of national bank shares. *Henry Rottschaefer.* Minn. Law Rev. Apr., 1923.

———. National bank taxes in New York. *Allan H. Treman.* Cornell Law Quar. Apr., 1923.

———. The steps necessary in an action for the recovery of taxes from the federal government. *Russell L. Bradford.* Va. Law Rev. May, June, 1923.

———. A plea and a plan for tax revision. *Otto H. Kahn.* Forum. May.

Treaties. State sovereignty and the treaty-making power. *L. L. Thompson.* Calif. Law Rev. May, 1923.

Uniform Legislation. L'unification du droit aux États-Unis. *Pierre Lepaulle.* Bull. Mens. Légis. Comp. Jan.–Mar., 1923.

Virgin Islands. Political peonage in the Virgin Islands. *Arthur Warner.* Nation. June 6, 1923.

Virginia. The industrial commission of Virginia. *Ellsworth Wiltshire.* Va. Law Rev. June, 1923.

Women's Rights. A critique of methods for alteration of women's legal status. *Gladys Wells.* Mich. Law Rev. May, 1923.

FOREIGN AND COMPARATIVE GOVERNMENT

Books

Bach, Lydia. Le droit et les institutions de la Russie soviétique. Paris, Librairie Générale de Droit et de Jurisprudence.

Buday, Ladislaus. Dismembered Hungary. Pp. xvi + 288. London, Grant Richards.

Dafoe, J. W. Laurier: a study in Canadian politics. Pp. 182. Toronto, Thomas Allen.

Dilnot, Frank. Lloyd George. New ed. N. Y., Harper's.

Fujisawa, Rikitaro. The recent aims and political development of Japan. New Haven, Yale Univ. Press.

Godden, G. M. Mussolini: the birth of a new democracy. London, Burns, Oates and Washbourne.

Gorgolini, Dott Pietro. The fascisti movement in Italian life. London, Fisher Unwin.

Harrison, E. J. Lithuania, past and present. Pp. 229. N. Y., McBride.

Hegel, G. W. F. Die Verfassung Deutschlands. Pp. 164. Leipzig, Reclam.

Keith, A. Berriedale, ed. Speeches and documents on Indian policy. 2 vols. London, Oxford Univ. Press.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Kelsen, Hans. Österreichisches Staatsrecht. Ein Grundriss. Pp. viii + 256. Tübingen, J. C. B. Mohr.

Kennedy, W. P. M., ed. Social and economic conditions in the dominion of Canada. Pp. vii + 331. Ann. Am. Acad. May, 1923.

Kuhn, Franz. Chinesische Staatsweisheit. Pp. xxiv + 185. Darmstadt, O. Reichl.

Mackenzie, F. A. Russia before dawn. Pp. 288. London, T. Fisher Unwin.

Matter, Paul. Cavour et l'unité italienne. I. Avant 1848. Pp. iv + 364. Paris, Alcan.

Nedham, R. W. Income tax. Enactments and regulations, 1918–1922. Pp. 262. London, Gee & Co.

Notestein, Wallace, ed. The journal of Sir Simonds D'Ewes. From the beginning of the long parliament to the trial of the earl of Stafford. New Haven, Yale Univ. Press.

Piloty-Schneider. Grundriss des Verwaltungsrechtes. 2 Aufl. Pp. viii + 248. Leipzig, A. Deichertsche Verlagsbuchhandlung.

Ratcliffe, S. K. Sir William Wedderburn and the Indian reform movement. London, Allen & Unwin.

Raymond, E. T. Lord Rosebery: a critical and biographical study. London, Fisher Unwin.

Robson, Ethel Hedley. Dramatic episodes in congress and parliament. Boston, Atlantic Monthly Press.

Ross, Edward Alsworth. The social revolution in Mexico. Pp. 176. N. Y., Century Co.

Smith, Herbert A. Federalism in North America. Boston, Chipman Law Pub. Co.

Snowden, Mrs. Philip, Thomas, J. H., and others. What we want and why. Pp. 263. London, W. Collins.

Street, C. J. C. Hungary and democracy. Pp. 207. London, Fisher Unwin.

Talbot, Hayden. Michael Collins' own story. Pp. 256. London, Hutchinson.

Tezner, Friedrich. Das österreichische Administrativverfahren dargestellt auf Grund der verwaltungsrechtlichen Praxis. Pp. clxvi + 788. Wien, Österreich. Staatsdruckerei.

Thiry, Jean. Les attributions du sénat du premier empire, concernant la justice et les droits individuels. Pp. 143. Paris, Rousseau.

Tsiang, Tingfu F. Labor and empire. A study of the reaction of British labor, mainly as represented in parliament, to British imperialism since 1880. N. Y., Longmans.

Wilmore, A. Great Britain and Ireland. Pp. 278. London, Bell.

Articles

Austria. The constitution of new Austria. *W. Leon Godshall.* Current Hist. May, 1923.

Belgium. La vie politique et parlementaire en Belgique. *Hermann Dumont.* Rev. Pol. et Parl. Apr., 1923.

British Empire. Das angelsächsische Staatenproblem. *Carl Brinkmann.* Zeitschrift für Politik. No. 2, 1922.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

British Empire. Föderalismus auf britischem Boden. *Sigmund Rubinstein.* Österreich. Rundschau. Feb., 1923.

———. Ceylon constitutional reforms. *H. J. Temple.* The empire's telegraph and trade. *Sir Charles Bright.* The cabinet secretariat and empire government. *Edward Mousley.* Fort. Rev. Mar., 1923.

———. "Why we should concentrate on the empire;" Australian resources. *Frederick Eggleston.* Nine. Cent. Mar., 1923.

———. Constitutional reform in Jamaica. *Editor.* Const. Rev. Apr., 1923.

———. Britain's negro problem. *John H. Harris.* Atlan. M. Apr., 1923.

———. Oversea Britons' new place in empire's councils. *Robert A. Mackay.* Current Hist. May, 1923.

———. Review of legislation. *Cecil T. Carr and others.* Jour. Comp. Legis. and Inter. Law. May, 1923.

Bulgaria. The iron hand of Bulgaria's peasant government. *Constantine Stephanove.* Current Hist. June, 1923.

Canada. The "reds" of eastern Canada. *William J. McNulty.* Current Hist. June, 1923.

China. The constitution of Hunan province. *Stewart Yui* and *H. S. Quigley.* Some aspects of China's permanent constitution. *V. K. Wellington Koo.* Chinese Soc. and Pol. Sci. Rev. Apr., 1923.

Colombia. The dissolution of greater Colombia. *Gilberto Silva Herrera.* Inter-America. Apr., 1923.

Czechoslovakia. Die Tschechoslowakei und ihr Verhältnis zum Deutschtum. *Heinrich Herkner.* Zeitschrift für Politik. No. 2, 1922.

———. La représentation proportionnelle en Tchécoslovaquie. *G. Georges-Picot.* Rev. Pol. et Parl. Mar., 1923.

———. Th. G. Masaryk. *Ernst Roth.* Österreich. Rundschau. Mar.

———. Czecho-Slovakia under Masaryk. *Sigmund Munz.* Contemp. Rev. May, 1923.

Denmark. Nörrejyllands Landsting. *Bendt Friis.* Gads Danske Mag. May–June, 1923.

France. Des pouvoirs de police du maire en matière de réunions cultuelles dans les eglises. *Albert Roux.* Rev. Gén. d'Admin. Sept.–Oct., 1922.

———. Le vote obligatoire. *Joseph Barthélemy.* Coexistence des actions en responsabilité contre l'administration et contre les fonctionnaires publics. *Léon Duguit.* Rev. Droit Pub. et Sci. Pol. Jan.–Mar., 1923.

———. France's economic problems. *Denis Gwynn.* Contemp. Rev. Mar.

———. Le peuplement français de l'Afrique du nord. *Jules Saurin.* Le Correspondant. Mar. 10, 1923.

———. La réforme de l'administration de la marine. *Amiral Darrieus.* Le projet de budget de 1923 devant le sénat. *Edgard Allix.* Rev. Pol. et Parl. Mar., Apr., 1923.

———. L'école française en Alsace et en Lorraine. *Ambroise Got.* Mercure de France. Apr. 15, 1923.

———. The French opposition to Poincaré's German policy. *Paul Painlevé.* Revival of the monarchist movement in France. *Lowell J. Ragatz.* France organizing an economic parliament. *William MacDonald.* Current Hist. Apr., June, 1923.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

France. Det nye Frankrig. *Baron Schaffalitzky de Muckadell.* Gads Danske Mag. May–June, 1923.

———. The French financial situation. *J. Laurence Laughlin.* Rev. of Revs. June, 1923.

Germany. Sur le président de l'empire allemand. *E. Chavegrin.* Bull. Mens. Légis. Comp. Jan.–Mar., 1923.

———. Die auswärtige Gewalt des deutschen Reiches. *Dr. Wolgast-Kiel.* Zum gegenwärtigen Stand der preussischen Verwaltungsreform. *Hans Helfritz.* Archiv. Öffent. Rechts. No. 1, 1923.

———. En Allemagne: Heinrich Mann et l'idée de liberté politique. *Félix Bertaux.* La Grande Rev. Feb., 1923.

———. Deutscher Brief—Die Parteien. *Rudolf v. Scholtz.* Grossdeutsch und Kleindeutsch. *R. F. Kaindl.* Österreich. Rundschau. Feb., Mar., 1923.

———. Monarchist sentiment in Germany. *Sarah Wambaugh.* Daring demands of German feminists. *L. Frobenius-Eagle.* Current Hist. Apr., 1923.

———. The rebirth of German unity. *Maxwell H. H. Macartney.* Fort. Rev. Apr., 1923.

———. Germany. *Langdon Mitchell.* Atlan. M. Apr., 1923.

———. Public opinion in Germany. *Ernest Troeltsch.* Contemp. Rev. May, 1923.

Great Britain. Government. The burden of taxation. Quar. Rev. Jan., 1923.

———. Le tribunal de commerce en Angleterre. *H. C. Gutteridge.* Jour. Droit Inter. Jan.–Feb., 1923.

———. Lines of further retrenchment. *Sir Philip Pilditch.* Nine. Cent. Mar., 1923.

———. The first clerk of the privy council. *E. R. Adair.* Law Quar. Rev. Apr., 1923.

———. The origin of the cabinet council. *E. Raymond Turner.* Eng. Hist. Rev. Apr., 1923.

———. A liquor control board in being. *Rabalac.* Fort. Rev. May, 1923.

———. War pensions administration. *Author Greenwood.* Contemp. Rev. May, 1923.

———. **Politics.** The end of the coalition. The labour party. Quar. Rev. Jan., Apr., 1923.

———. Mr. Bonar Law and the tradition of the tory premiership. *Curio.* What is to be done? *Lancelot Lawton.* The conservative programme: a further suggestion. *Anthony M. Ludovici.* The position of the government. *W. Permewan.* The philosophy of toryism. *Maurice Woods.* Fort. Rev. Feb., Apr., May, 1923.

———. Staatsrechtliche Betrachtungen zu den britischen Parlamentswahlen im November 1922. *Karl Loewenstein.* Österreich. Rundschau. Mar., 1923.

———. The labour party and its policy. *Austin Hopkinson.* Songs of labour. *Gerald B. Hurst.* Our party system: (1) Arguments against it. *C. E. Loseby.* (2) Arguments for it. *Cyril Falls.* Nine. Cent. Mar., May, 1923.

———. What the English labor party wants. *J. Ellis Barker.* No. Am. Rev. Apr., 1923.

———. The new liberalism of England. *J. Ellis Barker.* Forum. Apr.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Great Britain. Politics. Rival foreign policies in Great Britain. *E. D. Morel.* Current Hist. Apr., 1923.

———. Sense or suicide? *J. L. Garvin.* (Observer) Liv. Age. May 5.

———. J. Ramsay Macdonald. *C. F. G. Masterman.* Century. June.

Greece. The peril of Greece. *Harold Spender.* Contemp. Rev. Apr., 1923.

———. Greece's drastic agrarian law and capital tax. *Winthrop D. Lane.* Current Hist. June, 1923.

Greenland. Grönlands statsretlige stilling. *Knud Berlin.* Gads Danske Mag. Apr., 1923.

India. The Sikh situation in the Punjab. *Komma.* The passing of the I. C. S. *G. M. Chesney.* Fort. Rev. Feb., May, 1923.

———. The future of the Indian civil service. Edin. Rev. Apr., 1923.

———. India in transitional travail. *St. Nihal Singh.* Contemp. Rev. Apr., 1923.

———. India in the balance. *Sir Henry Sharp.* Nine. Cent. Apr., 1923.

———. Barriers to freedom. An audit of India's hopes and fears. *Nicol Macnicol.* Atlan. M. June, 1923.

Ireland. The Ulster boundary question. *Darrell Figgis.* Ireland's two nations: Ulster and the Free State. *A. Wilson Hungerford.* Fort. Rev. Feb., May, 1923.

———. Ireand as it is. Round table. Mar., 1923.

———. Ireland to-day. *Cyril Falls.* Nine. Cent. Apr., 1923.

———. Le drame irlandais. III. L'ultime épreuve. *L. Paul-Dubois.* Rev. Deux Mondes. Apr. 15, 1923.

———. The causes of Irish unrest. *Darrell Figgis.* No. Am. Rev. June.

Italy. The policy of the "fascisti." *William Miller.* Quar. Rev. Jan, 1923.

———. Black shirt and black cassock—Italy's two masters. *F. Britten Austin.* Mussolini and his methods. *Vladimir Poliakoff.* Fort. Rev. Feb., May, 1923.

———. Sistemazione finanziaria. *Francesco Casaretto.* Nuova Antologia. Mar. 16, 1923.

———. La révolution fasciste en Italie.—Ses origines et ses résultats. La dictature de Mussolini. * * * Le Correspondant. Mar. 25, 1923.

———. Mussolini and his methods. *Vladimir Poliakoff.* Fort. Rev. May.

———. The dictatorship of Benito Mussolini. *Carlton Beals.* Current Hist. May, 1923.

———. L'expérience italienne. I. L'évolution sociale en Italie. *Maurice Pernot.* Rev. Deux Mondes. May 1, 1923.

———. Italy and the fascisti. *Arthur Livingston.* Century. June, 1923.

———. Italy's revolutionary conservatives. *E. L. McVeagh.* World's Work. June, 1923.

Japan. The new Japan. *Dudley Heathcote.* Fort. Rev. Apr., 1923.

Jugoslavia. Aus der allerjüngsten Entwicklung Jugoslawiens. *Alfred Rappaport.* Österreich. Rundschau. Feb., 1923.

Latin America. Three South American despots. *Guillermo Perez.* Latin America's new rulers and the United States. *Victor A. Belaunde.* Current Hist. Apr., 1923.

———. Latin-American legislation. Am. Bar Assoc. Jour. Apr., 1923.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Luxemburg. Zur Luxemburger Frage von 1867. *Paul Wentzcke.* Deutsche Rundschau. Dec., 1922.

Netherlands. La législation du travail dans les Pays-Bas depuis 1870. *J. H. van Zanten.* Bull. Mens. Légis. Comp. July-Dec., 1922.

New Zealand. New Zealand to-day. *Constance Clyde.* Contemp. Rev. May, 1923.

———. New Zealand's loyalty to the empire. *W. H. Triggs.* Nine. Cent. May, 1923.

Poland. Le droit politique de la Pologne, de 1869 à 1919. *Waclaw Komarnicki.* Bull. Mens. Légis. Comp. July–Dec., 1922.

Russia. Nicolas II et la révolution bolcheviste. *Sir George Buchanan.* Réponse à Sir George Buchanan. *Princesse Paley.* Rev. de Paris. Mar. 15, Apr. 1, 1923.

———. The failure of the Russian intellectuals. *C. Hagberg Wright.* Contemp. Rev. Apr., 1923.

———. L. D. Trotsky: a pen portrait. *R. H. Bruce Lockhart.* Fort. Rev. Apr., 1923.

———. Four years of bolshevist schools. *Wladimir Sensinoff.* No. Am. Rev. Apr., 1923.

———. La Russie et la Sibérie vues par deux neutres. *Georges Dubarbier.* Nouvelle Rev. Apr. 1, 15, 1923.

———. Fact and fiction about the soviet army. *J. M. Scammell.* Religon and morals in bolshevist Russia. *Edwin W. Hullinger.* Current Hist. May.

———. The martyrdom of the Russian church. * * * Catholic World. May, 1923.

———. Les persécutions contre l'église catholique en Russie. *Edward Woroniecki.* Le Correspondant. May 10, 1923.

———. Russian industry under labor union rule. *Amy Hewes.* Current Hist. June, 1923.

Siam. Note sur l'administraton de la justice au Siam. *Chune Charuvastra.* Bull. Mens. Légis. Comp. Jan.–Mar., 1923.

Turkey. The new status of Turkey. *Arnold J. Tonybee.* Contemp. Rev. Mar., 1923.

Ukraine. The Ukraine. *Prince D. S. Mirsky.* Quar. Rev. Apr., 1923.

Venezuela. The tragedy of Venezuela. *Rafael Bruzual-Lopez.* Current Hist. June, 1923.

INTERNATIONAL RELATIONS

Books

Angas, L. L. B. Germany and her debts. A critical examination of the reparation problem. Pp. xviii + 158. London, Simmonds.

Angell, Norman. If Britain is to live. Pp. 175. N. Y., Putnam's.

Ballard, G. A. America and the Atlantic. N. Y., Dutton.

Birkhill, Robert. Seeds of war: a political study of Austria, Hungary, Czecho-Slovakia, Rumania, and Jugo-Slavia. London, Wallace Gandy.

Blühdorn, Rudolf. Die Rechtssätze der gemischten Schiedsgerichte. Pp. 91. Wien, Verband österreich. Banken u. Bankiers.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Brailsford, Henry Noel. After the peace. N. Y., Seltzer.

Buchanan, Sir George. My mission to Russia. London, Cassell.

Consett, M. W. W. P., and *Daniel, O. H.* The triumph of unarmed forces. Pp. xxiv + 344. London, Williams & Norgate.

Das, Taraknath. India in world politics. N. Y., Huebsch.

Dickinson, Thomas H. The United States and the league. N. Y., Dutton.

Dillon, E. J. President Obregon—a world reformer. Boston, Small, Maynard.

Earle, Edward M. Turkey, the great powers, and the Bagdad railway: a study in imperialism. N. Y., Macmillan.

Fouques-Duparc, Jacques. La protection des minorités, de race, de langue et de religion. Pp. 370. Paris, Dalloz.

Fuller, Joseph Vincent. Bismarck's diplomacy at its zenith. Pp. xii + 368. Cambridge, Harvard Univ. Press.

Gooch, G. P. Recent revelations on European diplomacy. London, British Institute of International Affairs.

Guthrie, William D. The league of nations and miscellaneous addresses. N. Y., Columbia Univ. Press.

Hays, Arthur Garfield. Enemy property in America. Pp. xii + 396. Albany, Matthew Bender & Co.

Hodgkin, Henry T. China in the family of nations. London, Allen & Unwin.

Juge, Léonce. Vers l'indépendance politique. Un plan d'equilibre continental. Paris, Grasset.

Keen, F. W. Towards international justice. London, Allen & Unwin.

Kelly, Marshall. American bias in the war. Pp. vii + 272. Berlin. E. Ebering.

Kerr, Philip Henry, and *Curtis, Lionel.* The prevention of war. New Haven, Yale Univ. Press.

Lewandowski, Maurice. Comment l'Allemagne a su se faire payer. Lille sous l'occupation allemande. Paris, Hachette.

MacCorkle, William A. The personal genesis of the Monroe doctrine. N. Y., Putnam's.

Marcellin, L. Politique et politiciens pendant la guerre. Pp. 434. Paris, La Renaissance du Livre.

Mousset, Albert. La petite entente, ses origines, son histoire, ses connexions, son avenir. Paris, Bossard.

Ogawa, Gotaro. Expenditures of the Russo-Japanese war. (Carnegie Endowment for International Peace.) N. Y., Oxford Univ. Press.

Ono, Giichi. Expenditures of the Sino-Japanese war. (Carnegie Endowment for International Peace.) Pp. xv + 330. N. Y., Oxford Univ. Press.

Recouly, Raymond. Les heures tragiques d'avant guerre. Paris, La Renaissance du Livre.

Romberg, Baron G. v. The falsifications of the Russian orange book. Translated by Major Cyprian Bridge. Pp. 64. London, Allen & Unwin.

Schieber, Clara E. American sentiment toward Germany. Boston, Cornhill Pub. Co.

Scott, James Brown. Cases on international law. Rev. ed. Pp. xxxvi + 1196. St. Paul, West Pub. Co.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Spaull, Hebe. The fight for peace. Stories of the work of the league of nations. Pp. 119. London, Bell.

Spiropulos, J. Expulsion and internment of enemy nationals. Pp. 148. Leipzig, Rossberg Pub. Co.

Stoyanovitch, Stoyan. La question de l'Adriatique et le principe des nationalités. Pp. 158. Grenoble, J. Aubert.

Strupp, Karl. Documents pour servir à l'histoire du droit des gens. 2 éd., considérablement augmentée. T. 1. Pp. xvi + 508. Berlin, H. Sack.

Traeger, Paul. Die Deutschen in der Dobrudscha, zugleich ein Beitrag zur Geschichte der deutschen Wanderungen in Osteuropa. Stuttgart, Ausland und Heimat.

Veyssié, Robert. La paix par la Ruhr. De la Marne à Essen. Paris, Plon.

Viviani, René. As we see it. France and the truth about the war. Translated by Thomas R. Ybarra. Pp. vi + 269. London, Hodder & Stoughton.

Williams, Roth. The league of nations to-day. Its growth, record and relation to British foreign policy. London, Allen & Unwin.

Articles

Aerial Bombardment. Les bombardements aériens de Paris. *Comm^t F. de Castelnau.* Le Correspondant. Apr. 10, 1923.

American Foreign Policy. America and Europe. *James Davenport Whelpley.* Fort. Rev. Mar., 1923.

———. America and external affairs. Round Table. Mar., 1923.

———. L'intervention américaine et la France. *Georges Lechartier.* Le Correspondant. Apr. 25, 1923.

———. America must decide. A study in international detachment. *William Howard Gardiner.* Atlan. M. May, 1923.

Anglo-American Relations. A great ambassador. *Viscount Esher.* Quar. Rev. Apr., 1923.

Arab Question. Aspects of the Arab question. *Chisholm Dunbar Brunton.* Fort. Rev. May, 1923.

Arbitration. United States-Norway arbitration award. *James Brown Scott.* Am. Jour. Inter. Law. Apr., 1923.

———. The settlement of international commercial disputes by arbitration. *A. J. Wolfe.* Econ. World. Mar. 31, 1923.

Boundary Disputes. The forty-fifth parallel: a detail of the unguarded boundary. *Lawrence Shaw Mayo.* Geog. Rev. Apr., 1923.

Central American Conference. The Central American conference. *James Brown Scott.* Am. Jour. Inter. Law. Apr., 1923.

———. A new era in Central America. *Denys P. Myers.* Current Hist. June, 1923.

Chamber of Commerce. Le 2^e congrès de la chambre de commerce internationale. *Maurice Lewandowski.* Rev. Deux Mondes. May 1, 1923.

Chester Concession. The Chester concession as an aid to new Turkey. *Henry Woodhouse.* Current Hist. June, 1923.

China. Treaty relations between China and Great Britain. *C. L. Hsia.* Chinese Soc. and Pol. Sci. Rev. Apr., 1923.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Cuba. Los últimos años de la dominación española en Cuba (Continuación). *Gabriel Maura Gamazo.* Rev. Bimestre Cubana. Jan.-Feb., 1923.

Dardanelles. The straits—before and after. *H. Charles Woods.* Fort. Rev. Feb. 1923.

Diplomacy. The old and the new diplomacy. *Sir J. Rennell Rodd.* Quar. Rev. Jan., 1923.

———. Constructive versus dollar diplomacy. *Henry Bruère.* Am. Econ. Rev. Mar., 1923.

———. The principles of diplomacy. *W. Alison Phillips.* Edin. Rev. Apr.

———. Europe's diplomatic past brought to light. *A. Mendelssohn-Bartholdy.* Current Hist. June, 1923.

Disarmament. European conditions versus disarmament. *General Tasker H. Bliss.* Foreign Affairs. Spec. Supp., Mar., 1923.

———. Some American naval views. *William Howard Gardiner.* Fort. Rev. Mar., 1923.

———. The case for the naval treaty. *Rear Admiral William V. Pratt.* The case against the naval treaty. *Graser Schornstheimer.* Current Hist. Apr., June, 1923.

———. The armies of Europe. *Sir Frederick Maurice.* Atlan. M. May.

———. The armies of Europe. *F. Maurice.* Contemp. Rev. May, 1923.

———. Le programme naval. *Paul Bourgoin.* Rev. de Paris. May 1.

Enemy Property. Séquestre et liquidation des biens ennemis en territoires transférés, particulièrement à la Serbie-Croatie-Slovénie. *A. Baschmakoff.* Jour. Droit Inter. Jan.-Feb., 1923.

———. Are we "entitled" to confiscate enemy private property? *Edwin M. Borchard.* Columbia Law Rev. Apr., 1923.

Entente. Politique franco-anglaise. *Comte de Fels.* Rev. de Paris. Mar. 15.

———. The French and the English. *J. Coudurier de Chassaigne.* Edin. Rev. Apr., 1923.

European Reconstruction. Economic conditions in Europe. *H. G. Moulton.* European financial situation and remedies. *Benjamin M. Anderson, Jr.* Stabilization of Europe. *Irving Fisher.* Am. Econ. Rev. Mar., 1923.

———. La politique des alliés depuis l'armistice. *Jacques Lux.* La Grande Rev. Mar., 1923.

———. Can labor save Europe? *Henry De Man.* Scribner's. June, 1923.

Extraterritoriality. The capitulations of the Ottoman empire and the question of their abrogation as it affects the United States. *Lucius Ellsworth Thayer.* Am. Jour. Inter. Law. Apr., 1923.

———. Les capitulations. *R. Vadala.* Rev. Mondiale. May 1, 1923.

Far East. Russia in the far east. *S. A. Korff.* Am. Jour. Inter. Law. Apr.

———. Les Russes en Extrême-Orient. *André Duboscq.* Rev. Pol. et Parl. Apr., 1923.

French Foreign Policy. Frankreichs äussere Politik. II. *Ferdinand Lion.* Neue Rundschau. Feb., 1923.

———. French foreign policy since 1789. *H. W. C. Davis.* Quar. Rev. Apr., 1923.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

French Foreign Policy. Delcassé. *G. P. Gooch.* Contemp. Rev. Apr., 1923.

German Policy. La préméditation de l'Allemagne. *Baron van der Elst.* Rev. de Paris. Apr. 1, 1923.

Hague Conference. Haager Friedenskongress. *Kurt Hiller.* Neue Rundschau. Feb., 1923.

International Comity. International comity in taxation. *Clyde J. Crobaugh.* Jour. Pol. Econ. Apr., 1923.

International Court of Justice. The early work of the permanent court of international justice. *A. Hammarskjöld.* Harvard Law Rev. Apr., 1923.

———. An important decision by the permanent court of international justice. *Charles Noble Gregory.* Am. Jour. Inter. Law. Apr., 1923.

International Law. Concetto e caratteri del diritto internazionale generale (*cont. e fine*). *A. Cavaglieri.* Riv. Diritto Inter. Vol. I (1921-22), Fasc. IV.

———. Tort at international law. *Jennings C. Wise.* International law in its relation to constitutional law. *Quincy Wright.* Am. Jour. Inter. Law. Apr.

International Rivers. Il regime dei fiumi dichiarati "internazionali" dal trattato di Versailles. *F. Jacomoni.* Riv. Diritto Inter. Vol. I (1921–22), Fasc. IV.

Interparliamentary Union. Den Interparlamentariske Union. *L. Moltesen.* Gads Danske Mag. May-June, 1923.

Lausanne Conference. The Lausanne conference. Round Table. Mar.

———. Lord Curzon and Lausanne. *H. Charles Woods.* Fort. Rev. Mar.

———. Lausanne and its lessons. *Ardern Hulme Beaman.* Nine. Cent. Mar.

———. The Lausanne conference. *Philip Marshall Brown.* Am. Jour. Inter. Law. Apr., 1923.

League of Nations. The league of nations. Round Table. Mar., 1923.

———. The liberals and the league. *Manley O. Hudson.* Nation. Apr. 4.

———. Latin America and the league of nations. *Augustin Edwards.* Current Hist. May, 1923.

———. How does the league stand? *Gilbert Murray.* New Repub. June 13.

Mandates. Die Kolonialmandate. *Heinrich Schnee.* Zeitschrift für Politik. No. 2, 1922.

———. Withdrawal from Iraq. *Charles Roberts.* Contemp. Rev. Apr.

———. Europe versus Asia. A chapter in mandates. *H. E. Wortham.* Atlan. M. Apr., 1923.

———. The Nauru scandal. *W. Francis Ahern.* Socialist Rev. (London). Apr.

———. La situation en Syrie et ses remèdes. *R. de Gontaut-Biron.* Rev. Bleue. Apr. 21, 1923.

Memel. Memel and the Baltic. *Robert Machray.* Fort. Rev. Mar., 1923.

———. La politique étrangère: l'affaire de Memel. *L. Dumont-Wilden.* Rev. Bleue. May 5, 1923.

Minority Rights. Zur Lage der Deutschen in Ungarn. *R. F. Kaindl.* Österreich. Rundschau. Feb., 1923.

———. Mindretalsfrihed. Skole-, Kirke-, og Retssprog i Nordslesvig. *Martin Hammerich.* Gads Danske Mag. Mar., 1923.

Monroe Doctrine. Chateaubriand and the Monroe doctrine. *W. P. Cresson.* No. Am. Rev. Apr., 1923.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Morocco. France and Morocco—an appreciation. *Sir Percy Sykes.* Fort. Rev. Feb., 1923.

Nicaragua Canal. Clearing the way for the Nicaragua canal. *J. S. Reeves.* Am. Jour. Inter. Law. Apr., 1923.

Pan Americanism. The fifth Pan-American conference. *J. Warshaw.* Southwestern Pol. Sci. Quar. Mar., 1923.

———. The Latin-American nations and the world: Pan-American tendencies in South America. *R. Ronza.* Inter-America. Apr., 1923.

———. The world and the two Americas. *Alejandro Alvarez.* (Revue de Genève) Liv. Age. Apr. 21, 1923.

Reparations. The Paris conference failure. *John Bell.* German industry and reparations. *Robert Crozier Long.* German coal deliveries under the treaty of Versailles. *W. R. Heatley.* The reparation mystery. *J. Ellis Barker.* Fort. Rev. Feb., Mar., Apr., May, 1923.

———. France and Germany. The future of reparations and inter-allied debts. Round Table. Mar., 1923.

———. Germany's ability to pay. *J. Ellis Barker.* The crisis in German production. *Ludwig Bendix.* Current Hist. Apr., 1923.

———. The Ruhr, the Rhine, and reparations. *Raymond Recouly.* World's Work. June, 1923.

———. The treaties with Germany and compensation for war damage. *Hessel E. Yntema.* Columbia Law Rev. June, 1923.

Ruhr. France and the Ruhr. *Earl Beauchamp.* A traveller in the Ruhr. *Hugh F. Spender.* French labour and the Ruhr problem. *Jean Longuet.* Contemp. Rev. Mar., Apr., May, 1923.

———. La résistance de l'Allemagne. La question de la Ruhr. L'Allemagne et les tentatives de paix. La Ruhr et l'avenir de la paix. Les embarras de l'Allemagne. *André Chaumeix.* Rev. de Paris. Mar. 1, 15; Apr. 1, 15; May 1.

———. The Franco-German war. The German peace offensive. *Frank H. Simonds.* Rev. of Revs. Apr., June, 1923.

———. La perception des impôts dans la Ruhr. *Robert Lacour-Gayet.* Rev. Deux Mondes. Apr. 15, 1923.

———. Three months in the Ruhr. *John Bell.* Fort. Rev. May, 1923.

———. France, England and the Ruhr: some plain truths. *F. J. P. Veale.* Nine. Cent. May, 1923.

———. Has France a legal case? *William C. Dreher.* New Repub. May 30.

———. France and the Ruhr. *Abel Chevalley.* Atlan. M. June, 1923.

Russia. Russland und Europa. *Bruno Prochaska.* Österreich. Rundschau. Feb., 1923.

Saar Valley. A visit to the Saar. *Robert Dell.* Contemp. Rev. Mar., 1923.

Shantung. The Shantung negotiations. *C. Chao.* Chinese Soc. and Pol. Sci. Rev. Apr., 1923.

Submarine and Gas Warfare. Il trattato di Washington circa l'uso dei sottomarine e dei gas nocivi in guerra. *G. Diena.* Riv. Diritto Inter. Vol. I (1921–22). Fasc. IV.

Tacna-Arica Dispute. The Chile-Peru dispute. *J. Perkins Shanks.* Forum. May, 1923.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Tariff. International rivalry and free trade origins, 1660–78. *Laurence Bradford Packard.* Quar. Jour. Econ. May, 1923.

Transfer of Flag. Transfer of flag and the declaration of London. *Edwin M. Borchard.* Columbia Law Rev. Apr., 1923.

Treaty of Versailles. Der Versailler "Vertrag." *Eduard von Braun, Wilhelm von Meinel, Kurt von Lersner, und Andere.* Süddeutsche Monatshefte. Jan.

———. America's part in the treaty of Versailles. *A. L. Kennedy.* Edin. Rev. Apr., 1923.

Turkey. Turkey and the powers. *Anon.* Bolshevism and the Turks. *Gregor Alexinsky.* Quar. Rev. Jan. 1923.

———. La France et la Turquie. *Roger Labonne.* Le Correspondant. May 10, 1923.

———. The United States and the new Turkey. *Alfred L. P. Dennis.* No. Am. Rev. June, 1923.

Vilna. La Lithuanie et la Pologne. *L. Nemanoff.* Mercure de France. Mar. 15, 1923.

War. The problem of war. *Milton Harrison.* Inter. Jour. Ethics. Apr.

———. Competition and war. *Arthur Casperz.* Nine. Cent. Apr., 1923.

War Crimes. The American peace commission and the punishment of war crimes. *Wm. Adams.* Law Quar. Rev. Apr., 1923.

War Debts. Anglo-American financial relations. *Hugh Chisholm.* Fort. Rev. Mar., 1923.

———. Our debt to America. *W. T. Layton.* Nine. Cent. Mar., 1923.

———. The settlement of the British debt to the United States. *George A. Finch.* Am. Jour. Inter. Law. Apr., 1923.

———. America and the coming settlement. *Frank H. Simonds.* Rev. of Revs. May, 1923.

War of 1870. When Germany occupied France. *Stephane Lauzanne.* No. Am. Rev. May, 1923.

Washington Conference. The Washington conference. *Telly H. Koo.* Chinese Soc. and Pol. Sci. Rev. Apr., 1923.

World War. The German and Austrian alliance. *Theodor von Sosnosky.* Quar. Rev. Jan., 1923.

———. Haig and Foch. *Sir George Aston.* Quar. Rev. Apr., 1923.

———. L'Alsace pendant la guerre. Journal d'un artiste alsacien. I. II. III. *Charles Spindler.* Rev. Deux. Mondes. Apr. 1, 15; May 1, 1923.

———. The truth about the German submarine atrocities. *Rear Admiral W. S. Sims.* Current Hist. June, 1923.

JURISPRUDENCE

Books

Alengry, F. Précis de droit usuel. Droit public. Droit civil. Pp. xviii + 557. Paris, Alcide Picard.

Ault, Warren O. Private jurisdiction in England. New Haven, Yale Univ. Press.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Ayrinhac, H. A. General legislation in the new code of canon law. N. Y., Blase Benziger & Co.

Bonnecase, Julien. Traité de droit commercial maritime. Pp. xi + 760. Paris, Société du Recueil Sirey.

Briavaschi, G. B. La crisi attuale della filosofia del diritto. Pp. 322. Milano, Soc. Vita e Pensiero.

Brill, Hascal R., ed. Cyclopedia of criminal law. Vol. I. Pp. xxiv + 1003. Chicago, Callaghan & Co.

Byrne, W. J. A dictionary of English law. Pp. xliv + 942. London, Sweet & Maxwell.

Dicey, A. V., and *Keith, A. Berriedale.* A digest of the law of England with reference to the conflict of laws. 3d ed. Pp. cxi + 952. London, Stevens & Sons.

Ehrenzweig, Armin. System des österreichischen allgemeinen Privatrechts. Bd. 1, Hälfte 2. Pp. vii + 581. Wien, Manzsche Verlh.

Endemann, Friedrich. Erbrecht des bürgerlichen Gesetzbuches. Pp. viii + 166. Berlin u. Leipzig. W. de Gruyter & Co.

Goitein, H. Primitive ordeal and modern law. Pp. xvii + 302. London, Allen & Unwin.

Kohler, Josef. Lehrbruch der Rechtsphilosophie. Third ed., revised by Dr. Arthur Kohler. Pp. xxiv + 300. Berlin, Walter Rothschild.

Medina, Harold R. Pleading and practice under the new civil practice act. Pp. xi + 265. N. Y., Baker, Voorhis & Co.

Mirabelli, A. Rapisardi. I limiti di obbligatorieti delle norme giuridiche internazionali. "Auto-limitazioni." Catania, Giannotta.

Münsterberg, Hugo. On the witness stand. Pp. xiii + 269. N. Y., Clark Boardman Co.

Pitois, A. Principes de droit. Pp. xlii + 436. Paris, Giard.

Solyom, Georges. La jurisdiction constitutionnelle. Pp. xi + 139. Paris, Rousseau.

Stammler, Rudolf. Lehrbuch der Rechtsphilosophie. Pp. xv + 396. Berlin u. Leipzig, W. de Gruyter & Co.

Trias y Giro, Juan de Dios. Estudios de derecho internacional privado con aplicacion espécial al derecho espanol. Pp. 468. Barcelona, Sociedad de Publicaciones.

Williams, Ivy. The sources of law in the Swiss civil code. Pp. 199. London, Oxford Univ. Press.

Articles

Administrative Law. La développement de la jurisprudence administrative depuis 1870. *Maurice Hauriou.* L'évolution du droit administratif (doctrine) de 1869 à 1919. *Achille Mestre.* Bull. Mens. Légis. Comp. July–Dec., 1922.

Arbitration. Speeding up justice through arbitration. *Moses H. Grossman.* Ill. Law Quar. Apr., 1923.

Conflict of Laws. Le domaine du droit international privé. *P. Arminjon.* Jour. Droit Inter. Nov., 1922.

———. Foreign marriages and the conflict of laws. *Herbert F. Goodrich.* Mich. Law Rev. May, 1923.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Criminal Justice. The test of criminal responsibility. *Sir Robert Armstrong-Jones.* Contemp. Rev. Mar., 1923.

———. Criminal justice; its simplification, clarification and better adaptation. *James Bronson Reynolds.* Jour. Am. Judicature Soc. Apr., 1923.

———. Crime and punishment in tropical Africa. *Lord Raglan.* Nine. Cent. Apr., 1923.

———. Rational crime treatment. *Charles L. Chute.* Rev. of Revs. May.

———. Crime and punishment. *Provost of Trinity.* Quar. Rev. Jan., 1923.

———. Old-time criminal laws. *Joseph J. Thompson.* Ill. Law Quar. June, 1923.

Ecclesiastical Law. The regression of ecclesiastical jurisdiction. *Editor.* Yale Law Jour. Apr., 1923.

Equity. Equity procedure and practice in Massachusetts. *Henry E. Bellew.* Boston Univ. Law Rev. Apr., 1923.

———. Equitable defenses. *Walter Wheeler Cook.* Yale Law Jour. May.

Judicial Decision. The theory of judicial decision. I. The materials of judicial decision. II. Nineteenth-century theories of judicial finding of law. *Roscoe Pound.* Harvard Law Rev. Apr., May, 1923.

———. Imitative and apocryphal reasoning of courts. *E. F. Albertsworth.* Cornell Law Quar. Apr., 1923.

Jural Relations. Basic jural relations. *Albert Kocourek.* Ill. Law Rev. Mar., 1923.

———. The alphabet of legal relations. *Albert Kocourek.* Am. Bar Assoc. Jour. Apr., 1923.

———. Non-legal-content relations recombated. *Albert Kocourek.* The relativity of legal relations. *Frederick Green.* Ill. Law Quar. Apr., June.

Justice. The idea of justice. *Rudolf Stammler.* Pa. Law Rev. May, 1923.

Law Institute. The American law institute. *Joseph Warren Madden.* W. Va. Law Quar. Apr., 1923.

Legal Education. Law as an education study. *Charles Thaddeus Terry.* Columbia Law Rev. May, 1923.

Legal History. A plea for historical interpretation. *Sir Frederick Pollock.* Law Quar. Rev. Apr., 1923.

———. Historic background of plan for restatement of the law. *Herbert S. Hadley.* Am. Bar Assoc. Jour. Apr., 1923.

Maritime Law. The common law courts and the law of the sea. *John Gorham Palfrey.* Harvard Law Rev. May, 1923.

Medieval Law. Law and order in a mediaeval town. *Malcolm Letts.* Law Quar. Rev. Apr., 1923.

Moral Law. Le droit moral. *Louis Vaunois.* Nouvelle Rev. Mar. 15.

———. The moral obligation as a basis of liability. *H. D. Minor.* Va. Law Rev. Apr., 1923.

Opinio Prudentum. Opinio prudentum in Anglo-American law. *Borris M. Komar.* Pa. Law Rev. May, 1923.

Philosophy of Law. Neueste Richtungen der allgemeinen Philosophie und die Zukunftsaussichten der Rechtsphilosophie. *Arthus Baumgarten.* Archiv Rechts- u. Wirtschaftsphilosophie. Vol. 16, No. 3.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Philosophy of Law. Fundamental tendencies in modern jurisprudence. *Rudolf Stammler.* Mich. Law Rev. Apr., May, June, 1923.

Prerogative Writs. The prerogative writs in English law. *Edward Jenks.* Yale Law Jour. Apr., 1923.

Private Law. L'évolution du droit privé en Hollande de 1869 à 1919. *D. Josephus Jitta.* L'évolution du droit privé en Suède de 1869 à 1919. *Wilhelm Uppström.* Bull. Mens. Légis. Comp. July–Dec., 1922.

———. The contact of public and private law. *Sir Frederick Pollock.* Cambridge Law Jour. No. 3, 1922.

———. Application des règles de droit privé aux manifestations de volonté de droit public. *Gaston Jèze.* Rev. Droit Pub. et Sci. Pol. Jan.–Mar., 1923.

Procedure. An inquiry concerning the functions of procedure in legal education. *Edson R. Sunderland.* W. Va. Law Quar. Jan., 1923.

———. The formative principles of civil procedure. I. *Robert W. Millar.* Ill. Law. Rev. May, 1923.

Roman Law. L'évolution du droit romain de 1869 à 1920. *C. Dissesco.* Bull. Mens. Légis. Comp. July–Dec., 1922.

Simplification of Law. Some aspects of the problem of law simplification. *Harlan F. Stone.* Columbia Law Rev. Apr., 1923.

Special Verdicts. A brief history of special verdicts and special interrogatories. *Edmund M. Morgan.* Yale Law Jour. Apr., 1923.

LOCAL GOVERNMENT

Books

Abercrombie, Patrick, and *others.* Dublin of the future: the new town plan. London, Hodder & Stoughton.

Bulpitt, C. F., ed. The municipal year-book of the United Kingdom for 1923. Pp. xxxviii + 645. London, Municipal Journal.

Cahalane, Cornelius F. The policeman. Pp. 354. N. Y., Dutton.

Fulk, J. R. The municipalization of play and recreation; the beginnings of a new institution. Pp. viii + 97. University Place (Neb.), Claflin Printing Co.

Furley, J. S. City government of Winchester from the records of the XIV. and XV. centuries. Pp. 196. Oxford, Clarendon Press.

Macmorran, Alexander, ed. Local government, 1922: comprising statutes, orders, cases, and departmental decisions. Pp. xiv + 501 + 13. London, Butterworth.

Violle, H., et *Wibaux, R.* Manuel de législation sanitaire française. Pp. 254. Paris, Masson et C^ie^.

White, Edward F. Negligence of municipal corporations. Pp. 1200. Indianapolis, Bobbs-Merrill Co.

Articles

Accounting Methods. State supervision of municipal accounts. *Wylie Kilpatrick.* Nat. Mun. Rev. May, 1923.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Alsace-Lorraine. Le droit municipal de l'Alsace et de la Lorraine. *Jacques Fonlupt-Espéraber.* Rev. Gén. d'Admin. Nov.-Dec., 1922.

City Finance. Effect of alteration or abolition of a municipal corporation upon its debts. *John Donald Robb.* Minn. Law Rev. Apr., 1923.

———. Minor highway privileges as a source of city revenue. *Committee on Sources of Revenue.* Supp., Nat. Mun. Rev. May, 1923.

City Manager. Thoughts on the manager plan. *James W. Routh.* Nat. Mun. Rev. Apr., 1923.

County Government. A new plan of government for counties. *Edward B. Howell.* Rev of Revs. June, 1923.

Municipal Courts. Detroit succeeds under a new organization. *Pliny W. Marsh.* The juvenile court and the educational system. *Thomas D. Eliot.* Jour. Crim. Law and Crim. May, 1923.

Municipal Library. La réorganisation de la lecture publique en France: bibliothèques municipales de Paris. *Marcel Clavié.* Rev. Bleue. Mar. 17.

Municipal Powers. Power of a municipal corporation to sue for libel. *H.A.J.* Mich. Law Rev. June, 1923.

New York. New York après trente ans. I. II. *Andre Chevrillon.* Rev. Deux Mondes. Mar. 15, Apr. 1, 1923.

Parks. Purposes for which parks may be used. *Gullie B. Goldin.* Am. Bar Assoc. Jour. May, 1923.

Public Utilities. Reasonable rates—municipality as the unit in rate regulation. *Walter A. Williams.* Wis. Law Rev. Apr., 1923.

———. Chicago's vicissitudes under state regulation of street railways. *Charles K. Mohler.* Nat. Mun. Rev. Apr., 1923.

POLITICAL THEORY AND MISCELLANEOUS

Books

Baldus, S. A. The new capitalism. Pp. 489. Chicago, O'Donnell Press.

Borchardt, Julian. Einführung in den wissenschaftlichen Sozialismus. Pp. 115. Berlin, E. Laub.

Cotton, Edward H. The ideals of Theodore Roosevelt. N. Y., Appleton.

Földes, Béla. Die Hauptströmungen der sozialistischen Gedankenwelt. Pp. viii + 414. Berlin, O. Elsner Verlags.

Giolitti, Giovanni. Mémoires de ma vie. Traduction de *M^me^* Jean Carrère. Paris, Plon.

Gooch, G. P. History of modern Europe, 1878–1919. Pp. vii + 728. London, Cassell.

Goyau, Georges. Catholicisme et politique. Paris, Revue des Jeunes.

Graham, J. W. Conscription and conscience. London, Allen & Unwin.

Hermitte, Jean. Le régime direct. Pp. vi + 191. Paris. Ordre nouveau.

Kirkpatrick, J. E. Toryism in the American college government. Ann Arbor, George Wahr.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Leon, Daniel. Ten canons of the proletarian revolution. N. Y., N. Y. Labor News Co.

Liefman, R. Geschichte und Kritik des Sozialismus. Pp. viii + 191. Leipzig, Quelle & Meyer.

McLaren, Walter Wallace, ed. Round-table conferences of the institute of politics, 1921. New Haven, Yale Univ. Press.

Massabuau, Sénateur. L'état contre la nation. Paris, Alcan.

Meyer, Eugène. La philosophie politique de Renan. Paris, Boivin.

Muir, Ramsay. Politics and progress. Pp. ix + 182. London, Methuen.

Plumb, Glenn E., and *Roylance, William G.* Industrial democracy. N. Y., Huebsch.

Ruthnaswamy, M. The political philosophy of Mr. Gandhi. Pp. 99. Madras, Tagore.

Schroeder, Theodore. Free speech bibliography. Pp. v + 247. N. Y., H. W. Wilson Co.

Sharp, Walter R. Le problème de la seconde chambre et la démocratie moderne. Pp. 144. Bordeaux, Y. Cadoret.

Sternberg, Kurt. Staatsphilosophie. Pp. 241. Berlin, Pan-Verlag.

Upshaw, William D. Clarion calls from capitol hill. N. Y., Fleming H. Revell Co.

Webb, Beatrice and *Sidney.* The decay of capitalist civilization. N. Y., Harcourt, Brace.

Articles

Bolshevism. Bolshevism from an eastern angle. *Arthur Moore.* Atlan. M. May, 1923.

Church and State. The Bible in school libraries. *R. R. L.* Calif. Law Rev. Mar., 1923.

Civilization. Qu'est-ce que la civilisation? *Charles Richet.* Rev. Deux Mondes. Mar. 15, 1923.

Democracy. The development of the idea of social democracy and social justice in the middle ages. *James Westfall Thompson.* Am. Jour. Sociol. Mar.

———. Is our democracy stagnant? *Frank I. Cobb.* Harper's. June, 1923.

Fascism. La philosophie du fascisme. *Jean Perès.* Rev. Bleue. May 5.

Freedom of Speech. The philosophy of Justice Holmes on freedom of speech. *Tully Nettleton.* Southwestern Pol. Sci. Quar. Mar., 1923.

———. Freedom of speech and of the press during the civil war. *Thomas F. Carroll.* Va. Law Rev. May, 1923.

Guild Socialism. Guild v. municipal socialism: a reply. *C. R. Atlee.* Socialist Rev. (London.) May, 1923.

———. A catastrophe in the British building guilds. *Carl S. Joslyn.* Quar. Jour. Econ. May, 1923.

Legislation. Law making, rational and irrational. *James Hartley Beal.* Const. Rev. Apr., 1923.

Liberalism. Reactionary liberalism and its menace to democratic institutions. *Henry S. Ives.* Econ. World. May 19, 1923.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Liberty. The problem of liberty. *Norman Wilde.* Inter. Jour. Ethics. Apr., 1923.

Monarchy. Are kings useful? *Charles H. Sherrill.* Rev. of Revs. May.

Money Question. The gold standard. *Editor.* Edin. Rev. Apr., 1923.

Patriotism. French-Canadian patriotism. *Robert C. Dexter.* Am. Jour. Sociol. May, 1923.

Political Leadership. Can our public officials be our leaders? *Cornelia James Cannon.* No. Am. Rev. May, 1923.

Political Psychology. Political science as psychology. *Horace M. Kallen.* Am. Pol. Sci. Rev. May, 1923.

———. Some practical applications of psychology in government. *Harold F. Gosnell.* Am. Jour. Sociol. May, 1923.

Political Research. Report of the committee on political research. *Charles E. Merriam, Robert T. Crane, John A. Fairlie, Clyde L. King.* Am. Pol. Sci. Rev. May, 1923.

Political Thought. The nature of political thought. *Raymond G. Gettell.* Am. Pol. Sci. Rev. May, 1923.

Politics. "From the home to the house." Why I went into politics and why I think all women belong there. *Viscountess Astor.* Politics as a profession. *David Lloyd George.* World's Work. Apr., June, 1923.

Propaganda. The gentle art of propaganda. *Ian D. Colvin.* (National Review.) The sowers of hate. *Léon Chênebenoit.* (Le Temps.) Liv. Age. Apr. 21, May 5, 1923.

———. Propaganda, evil and good. *Reynell J. R. G. Wreford.* Nine. Cent. Apr., 1923.

Radicalism. Motives in radicalism and social reform. *Stuart A. Rice.* Am. Jour. Sociol. Mar., 1923.

———. Radicalism or liberalism? *Selden Peabody Delany.* No. Am. Rev. May, 1923.

Self-Determination. Selbstverwaltung und Staat. *Heinz Brauweiler.* Deutsche Rundschau. Jan., 1923.

Socialism. Die politische Theorie des Sozialismus. *Hans Kelsen.* Österreich. Rundschau. Feb., 1923.

Sovereignty. Soverānitäten. *Albrecht Mendelssohn Bartholdy.* Neue Rundschau. Feb., 1923.

Theory of the State. Klassenstaat und Nationalstaat. *Arthur Salz.* Österreich. Rundschau. Mar., 1923.

Women's Rights. Scandinavian women in the vanguard of progress. *Nancy M. Schoonmaker.* Current Hist. June, 1923.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Scientific Library, United States Patent Office

AMERICAN

UNITED STATES

Efficiency bureau. Report on statistical work of United States government. Washington: Govt. Prtg. Off., 1923. 405 p.

Election of President . . . . committee (House). Proposed constitutional amendments relating to nominations and elections of President, Vice President, Senators and Representatives. Hearings on H. J. Res. 290 . . . . Washington: Govt. Prtg. Off., 1923. 45 p.

Election of President . . . . committee (House). Minority views to accompany S. J. Res. 253 (proposing amendment to Constitution . . . . to change date of commencing terms of President). Washington: Govt. Prtg. Off., 1923. 3 p.

Execution without trial in France, Special committee to investigate charges of (Senate). Alleged executions without trial in France: hearings. Washington: Govt. Prtg. Off., 1923. 1015 p.

Immigration and naturalization committee (House). Alien seamen, insane aliens, statements on various immigration problems, hearings on H. R. 1423 (with text of bill as reported by committee). Washington: Govt. Prtg. Off., 1923. 601–723 p.

Immigration committee (Senate). Amendment to immigration law: hearings. Washington: Govt. Prtg. Off., 1923. 101 p.

Naval intelligence office. Port directory of principal foreign ports. 3d edition. Washington: Govt. Prtg. Off., 1923. 1–112A–113–393B–394–747 p.

Navy department, judge advocate general. Naval laws. Laws relating to navy, navy department, and marine corps, in force Mar. 4, 1921. Washington: Govt. Prtg. Off., 1922. 1704 p.

President. Permanent court of international justice: message . . . . to Senate. (S. Doc. 309, 67th Cong., 4th Sess.). Washington: Govt. Prtg. Off., 1923. 20 p.

President. Reorganization of executive departments: letter . . . . transmitting chart exhibiting in detail present organization . . . . and changes suggested. Washington: Govt. Prtg. Off., 1923. 5 p.

Senate. History of bills and resolutions introduced in Senate, during 67th Congress, arranged under names of senators introducing them. Washington: Govt. Prtg. Off., 1923. 208 p.

ARIZONA

State library. Checklist of annual reports, Arizona law and other current publications . . . . for . . . . 1921–22. Phoenix, 1922. 4 p.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ARKANSAS

History commission. Outline of executive and legislative history of Arkansas, by Dallas T. Herndon. Little Rock, 1922. 195 p.

CALIFORNIA

Legislature, forty-fifth session. Legislative digest, being a compendium of measures proposed during the first half . . . . session, with a brief synopsis of each, together with references, etc. Sacramento, 1923. 479 p.

CANAL ZONE.

Governor. Treaties and acts of Congress relating to the Panama Canal (annotated 1921). Supplements 1–2. Mount Hope, 1923.

CONNECTICUT

General assembly. Legislative bulletin, session of 1923, nos. 42–53. Hartford, 1923.

ILLINOIS

General assembly, fifty-third. List of members, rules and committees of the senate and house, list of state officers, judges of Supreme Court, U. S. Senators, Representatives in Congress, etc. . . . . Springfield, 1923. 158 p.

INDIANA

Educational survey commission. Public education in Indiana. Prepared under the direction of the commission, by the general education board. New York, 1923. 304 p.

KANSAS

Legislature. Laws relating to compensation for veterans of the world war. Topeka, 1923. 12 p.

MINNESOTA

University. Bureau for research in government. The law of special legislation and municipal home rule in Minnesota, by William Anderson. St. Paul, 1923. 198 p.

NEBRASKA

Legislative reference bureau. Subject index of senate and house bills, with other legislative information. Lincoln, 1923. 88 p.

NEW JERSEY

State library. Descriptive list of laws and joint resolutions enacted by the state of New Jersey . . . . 1923. Trenton, 1923. 23 p.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NEW YORK

Charter commission, New York city. Report . . . . to the legislature, with a draft of charter for the city of New York . . . . New York, 1923. 340 p.

———. Minority report of the New York charter commission . . . . New York, 1923. 30 p.

———. Statutory sources of New York city government, prepared for the commission by Arthur W. MacMahon. New York, 1923. 169 p.

Department of archives and history. The papers of Sir William Johnson. Albany, 1921–22. 3 v.

Legislature. Special joint committee on taxation and retrenchment. Report. Albany, 1923. 310 p.

PENNSYLVANIA

Legislative reference bureau. Bulletin no. 24. Chronological table of statutes, annotated 1874 to 1921. 303 p.

FOREIGN

ARGENTINA

Ministerio de relaciones exteriores y culto. Memoria 1919–20. Buenos Aires, 1922. 478 p.

AUSTRALIA

Commonwealth bureau of census and statistics. Official yearbook. Melbourne, 1922. 1132 p.

CEYLON

Superintendent of census and director of statistics. Report on the census of Ceylon, 1921. Colombo, 1923. 242 p.

ECUADOR

Poder legislativo. Anuario de legislacion Ecuatoriana, 1921, v. 20. Quito, 1923. 486 p.

ESTHONIA

Constitution of the Esthonian republic. London, *Baltic Review.* Distributed by Esthonian Consul, N. Y.

GREAT BRITAIN

Air ministry. Proceedings of third air conference. London, 1923. 132 p.

Committee on national expenditures. Reports. London: H. M. Stationery Off., 1922. [Cmd. 1581, 1582, 1587, 1589].

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Foreign office. Correspondence between His Majesty's government and the Soviet government respecting the relations between the two governments. London, 1923. 13 p.

———. Inter-allied conference on reparations and inter-allied debts . . . . held in London and Paris, December, 1922, and January, 1923. Reports and secretaries' notes of conversations. London: H. M. Stationery Off., 1923. [Cmd. 1812].

———. Lausanne conference on Near-Eastern affairs, 1922–1923. Records of proceedings and draft terms of peace. London: H. M. Stationery Off., 1923. [Cmd. 1814].

Local government of greater London. Report of commission on. London: H. M. Stationery Off., 1923. [Cmd. 1830].

INDIA

Indian retrenchment committee. Report, 1922–23. London: H. M. Stationery Off.

NEW ZEALAND

Laws. Index to the laws of New Zealand; general, local, and provincial, to the end of the year 1922. Wellington, Govt. Printer, 1923. 421 p.

PERU

Camara de diputados. 1821–1919–Constituciones politicas del Peru. Lima, 1922. 383 p.

UNION OF SOUTH AFRICA

Native affairs, Select committee on (House of Assembly). Report, 1–2, April, 1923. Capetown, 1923. 209, 193 p.

INTERNATIONAL

Bureau de l'Union Interparlementaire. Bulletin interparlementaire. v. 2. Geneva, 1922.

International Labour Office. International labour directory, 1922, v. 2. Geneva. 1038 p.

———. International labour conference. Special report on the situation with regard to ratification of the hours convention. Geneva, 1922. 94 p.

League of Nations. Advisory committee on the traffic in women and children. Minutes. Geneva, 1922.

———. *Committee on intellectual cooperation.* Minutes. Geneva, 1922.

Pan American Union. Report to governments of the republics, members of Pan American Union, on work of Union since close of 4th International Conference of American States, 1910. Washington, 1923. 28 p.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED